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The Compleat Conſtable.

Directing

All { CONSTABLES, HEADBOROUGHS, TITHINGMEN, CHURCHWARDENS, OVERSEERS of the POOR, SURVEYORS of the High-ways, and SCAVENGERS,

IN THE

Duty of their ſeveral Offices, according to the Power allowed them by the Laws and Statutes:

Continued to this preſent Time, 1700.

Alſo Directions for the

LONDON CONSTABLES.

To which is added,

A Treatiſe of Warrants and Commitments, proper for the Knowledge of All Conſtables, *&c.*

The 2d Edition with Aditions.

LONDON: Printed, and are to be ſold by *Tho. Beaver* at the *Hand* and *Star* near *Temple-Bar*, 1700.

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TO ALL
OFFICERS
WHOM
This TREATISE may Concern.

SIRS,

THere needs no Apology (*I hope*) *for Compiling this* Treatiſe *for your Uſe and Direction, it being abſolutely neceſſary to publiſh New, or Reprint the Old ſo often as the* Statutes (*by which the Duty and Work of* Conſtables, &c. *is prepared and appointed*) *require it: And for that there have been many* Statutes *made*

since His Majesty's Reign, and several since the former Impression. It was therefore necessary for your further Information, to make a new Edition of this Book, and to add so much of all the late Statutes *as concern Your several* Offices, *with such other* Rules *and* Observations *as may be useful to You; not doubting, but you will therefore think our* Labour *well continued, our* Rules *and* Observations *very profitable, and our* Title *most deserving to be,*

A Compleat GUIDE for CONSTABLES, *&c.*

From Yours, *&c.*

March, 1700.

R. G.

The

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The Newest GUIDE FOR Constables, &c.

CHAP. I.

Of the Definition of the Title CONSTABLE; *of the several names and kinds of* Constables; *of their fitness, Oath and Authority.*

BEfore I set down the Duty and Office of *Constables*, it may be expected that I should shew something of the derivation and Antiquity thereof; and tho' there be some difference about it, yet it is agreed by most, that the word *Constable* is compounded of two *Saxon* words Cuning and Cyng (signifying a *Prince* or *King*) and Stable, or rather Staple (signifying a *Stay* or *Prop*) *The derivation of the Constables Title.*

Lamb. fo. 5. *4 Part of Cooks Inſt.* fo. 123. and ſo *Coningſtable* (by contraction *Conſtable*) is as much as to ſay, *The Prop* or *Stay of the King*. This word is diverſly uſed in the Common-Law: As the *Conſtable* or *Marſhal* of *England*, *Stamf. pl. Coron.* fo. 65. which Office is diſcontinued, and why it is ſo. See *Dyer* fo. 258. num. 39. The *Conſtable* of the *Tower*, *Stamf. pl. Coron.* fo. 152. 1 *H.* 4. *ca.* 13. *Stow's Annals. p.* 812. The *Conſtable* of the *Exchequer*, 51 *H.* 3. *Stat.* 5. *Conſtable* of *Dover* Caſtle, *Camb. Brit. p.* 239. *Weſt.* 1. *ca.* 7. *Anno* 3 *Ed.* 1. *Conſtable* of the *Foreſt*, *Manwood part. prim. ca.* 13. *Stat.* 32 *H.* 8. *ca.* 38.

But the *Conſtables* for whoſe uſe this Guide is intended, are either *Conſtables* of Hundreds, otherwiſe *High-Conſtables*, or *Conſtables* of Towns, Burroughs, Pariſhes, Tithings, *&c.* called *Petty-Conſtables*, *Headburroughs*, *Tithingmen*, *&c.*

When Conſtables, &c. were firſt appointed.

Lamb. 5. *cap.* 9. *Raſt.* 379. *Smith de Rep. Angl. l.* 2. *c.* 25. *Dalton's Juſt. of P. c.* 16. fo. 46. THeſe *High-Conſtables* (as ſome ſay) were firſt Ordained by the Statute of *Wincheſter*, for the overſight of Armour, Watches, High-ways, Hue and Cry, and the like; and afterwards *Petty-Conſtables* for their Aid and Aſſiſtance were appointed.

But others think, that by the ancient Common Law they were Conſervators of the Peace within their ſeveral Hundreds and Limits. 12 *H.* 7. fo. 18. *Crom.* 6, *&* 222.

That

That the Hundreds were derived out of Counties first, under the Government of Sheriffs; but growing too great for their care were divided into Hundreds, and that in every Hundred was ordained a Conservator of the Peace, who was call'd the *High-Constable*. That these Hundreds also enlarging, Burroughs and Towns, or Tithings, (that is to say, a *Tenth part*) were appointed, and within them also was ordained a Conservator of the Peace, or Petty-Constable. Others reckon, That first the Tenths or Tithings were ordered, and after of them were made up Hundreds, and of these Counties or Shires; so that there is no part of the Kingdom that lieth not within some County, of which Counties or Shires, one with another, there are reckon'd in *England* XXXVII. besides XII in *Wales*. *See* Dalton *as before.* *See* Lamb. *Duty of Const.* p. 9.

High-Constables.

But to reckon either way it appears, and so at this day continues, That High-Constables are properly for the whole Hundred, Rape or Wapentake; and their Power extends over the whole, which do mostly comprehend many Parishes, Tithings and Villages.

Petty-Constables.

That Petty-Constables are for particular Towns and Parishes within the Hundred, and consequently for the Aid, ease and assistance of the *High-Constable*; but their Authorities are only in such particular Towns or Parishes: And,

That Borsholders, Tithingmen, Headburroughs, &c. are for particular Bur-

roughs, Hamlets, Villages and Tithings, to which their Authority is limited.

Nota. And Note, it was the Opinion of the Learned Sir *Francis Bacon*, That tho' the High-Conſtables Authority hath a more ample Circuit, he did not perceive that the Petty-Conſtable is ſubordinate to him, from any Commandment that proceeds from his own Authority: But it was uſed, That the Warrants and Precepts of the Juſtices be delivered to the High-Conſtables, who being few in number, might better attend the Juſtices; and then the High-Conſtables by virtue of ſuch Warrants (not their own Authority) make their Precepts over to the Petty-Conſtables. *Bac. C. T.* p. 22, & 30. And this alſo ſeems to be only in ſome Caſes, as where they are ſummoned to attend the Juſtices to make their Preſentments, and the like.

Nota This ſeems to be the general Method, tho' in ſome large Pariſhes and particular Places, there are and may be ſeveral Officers call'd by the ſeveral names of *Conſtable*, *Headborrough*, and the like: And tho' theſe Inferior Officers be called by ſeveral names, yet their Offices in their ſeveral Precincts and Places are in effect one and the ſame the Name being only changed.

Some Diſtinction between theſe Officers. However the Office of a Conſtable ſeemeth to be diſtinct, and of greater Authority than theirs; and ſome have held, That Headburroughs, Thirdburroughs, Borſhoulders, Tithingmen, &c. being appointed in a Town or Pariſh where is alſo a Conſtable, that they cannot principally

cipally meddle, becauſe (in compariſon of them) the Conſtables are Head Officers, and the others but as Aſſiſtants to the preſent Conſtable; tho' in the Conſtables abſence they are chiefly to attend the ſervice: And that there are many things which the Conſtable may do, wherein ſuch *Headborroughs*, *Borſholders*, *&c.* cannot meddle.

See *Dalton's Juſtice of the Peace*, ca. 1. fo. 34. *Lamb.* pag. 4 6. 9. 51, 52, 53, 54, 55, *&c.* See 1 *Jac.* ca. 7.

And yet in Towns and places where there are no *Conſtables*, but only *Headburroughs*, *Borſhoulders*, *Tithingmen*, *&c.* there their Power and Authority is declared to be equal to the Power of a *Conſtable*, and in all ſuch caſes and things, their Office and Authority are in a manner all one. And he that is ſworn the Tithingman, &c. of any place, is in effect (with reſpect as aforeſaid) the *Conſtable* of the place: And that when any Statute doth appoint the *Conſtable*, or other Inferior Officers to puniſh Offenders, in ſuch caſe the *Borſhoulder*, *Headburrough*, *Tithingman*, *&c.* may do it, they being ſuppoſed to be Inferior Officers to the *Conſtables*.

Where their Authority is all one and the ſame.

By the Statute 14 *Car.* 2. *cap.* 12. it is Ordained, That upon the death or removal of any Conſtable out of the Pariſh, any two *Juſtices* may Elect and Swear a new one, to continue till the next Leet or Quarter-Seſſions; and then the Steward or Juſtices to approve of him, or appoint another: And if any ſuch Officer continue in his Office above a

Year, the Juſtices of the Peace may diſcharge him and put in others till the Lord of the Mannor hold a Court.

Nota. In ſome Caſes then the *High-Conſtable* may and muſt do more than the Petty-Conſtable, *&c.* And in ſome Caſes they have equal authority, and in other Caſes they are diſtinct; I ſhall therefore endeavour to ſhew, what all Conſtables either High or Low, Burſholders, Headburroughs, Tything-men, *&c.* may and muſt do; what is their common or equal, and what their ſpecial or particular Duty and Authority. But Note, That where it is generally ſpoken of Conſtables, there it is alſo meant as to Headboroughs and Tything-men, *&c.* and where there is any difference I ſhall diſtinguiſh it.

But Firſt, I will ſpeak of the fitneſs and manner of their Choice, and of the Oath each of them muſt ſeverally take, for the due Execution of his Office. And obſerve that part of their Office and Duty conſiſts in the attendance of Court Leets, Juſtices of the Peace and Coroners, for the executing of their Warrants within their ſeveral Precincts; and alſo to attend upon, aid, and aſſiſt, and execute the Warrants of Judges of Aſſize, at their Aſſizes and Gaol Delivery; and the Juſtices of the Peace at the general and ſpecial Seſſions, and other Meetings, to make Preſentment upon Oath of things within their Knowledge, and according to Articles exhibited to them for that purpoſe; of which more in its place.

Nota

Conſtables when and where to attend.

Of

Of the Choice and Fitneſs of Conſtables, and of the Oath to be taken by them.

THey ought to be men fit for the Execution of their Office, and therefore to be choſen out of the honeſteſt ableſt and moſt underſtanding men, not Feeble with old Age, nor otherwiſe Weak, Sick, Poor or Impotent, That ſo the Office may be performed truly and diligently, without Malice, Affection, or Partiality,

Honeſty Ability and underſtanding required.

This Office ought not to be put upon the Poorer ſort, for they are uſually moſt Ignorant and Fearful, and leſs able to attend this Office; their Neceſſity requiring them to mind their own Trade and Imployment: And 'tis to be underſtood, that Conſtables have no allowance, but are bound to perform their Office *gratis*.

Poverty and Ignorance to be avoided.

Bac. p. 25.

Such who in reſpect of ſome other Offices, Callings, or Profeſſions; as Clergy-men, Sheriffs, Lawyers, Attorneys, Phyſicians, and ſuch like, are preſumed to be otherwiſe ſo much imployed, as not to be at leiſure to attend upon this Office, ſo much as is required, and therefore not to be Choſen.

Some Profeſſors exempted and to be excuſed.

Alſo Women, whether Maids or Widows, ought not to be choſen; neithe Mad-men, or Ideots, nor Infants under 21 Years of Age, nor old Men above Seventy.

Women Ideots and Infants.

Therefore it is not a good Cuſtom generally, that this Office ſhould go, by tenure of Houſes, for ſo it may fall upon a Woman, (which is not ſufferable) but it may be a good Cuſtom, That every Man ſufficiently qualified, ſhall ſerve or find one to do it.

1 Cro. fo. 283.

In what reſpect they are choſen.

Theſe Officers are to be choſen in reſpect of their habitation or Reſidency, and not in reſpect of their Lands; for a Man may have Lands out of the Hundred, Pariſh or Tything, *&c.* But he ought to ſerve only in the place where he lives.

High-Conſtables when and where choſe and Sworn.

Dalton. ca. 16. fo. 46. Lamb. Juſt. 190.

The *High-Conſtables* are uſually choſen and Sworn at the Quarter Seſſions of the Peace for that County; but they may be either choſen or Sworn out of the Seſſions, and if they be choſen out, it muſt be by the greater number of Juſtices of that Diviſion where they Dwell, and in the like manner alſo they may be Removed.

And Note, that two Juſtices of the Peace, the one being of the *Quorum*, may appoint the High-Conſtables for *Wales*, by the *Stat.* 34. *H.* 8. *ca.* 26.

Petty-Conſtables when and where,

The *Petty-Conſtables* are moſt commonly choſen and Sworn in the Court-Leet, and ſometimes by the Juſtices of Peace at their Quarter Seſſions *Dalton Juſt. fo.* 47, 48, 336. So that High-Conſtables are by appointment of the Juſtices, and Petty-Conſtables Elected by the People, unleſs in ſome Caſes as is after ſet down.

If Conſtables lawfully Qualified and Choſen, ſhall refuſe to be Sworn, the Juſtices of Peace may bind him over to the Aſſizes

Aſſizes or Seſſions, and he may be there Indicted, Fined, and if he be choſen in a Leet and refuſe, he may be Fined in that Leet for his Contempt, *Dalton* 47. 1 *Cor.* 409.

Refuſing to ſerve.

As one lawfully qualified and choſen may not refuſe, ſo if one that is not rightly qualified and inabled, may refuſe, (if he be choſen,) and ſhall be diſcharged by Law, and another may be appointed in his place. *Dalton J. P. fo.* 322.

Removal of unfit Perſons.

And it is ſaid to be a Forfeiture of the Leet, where the Leet chuſes unable or unfit Conſtables, and their choice is void, and upon Comp'aint made to two Juſtices of the Peace, they may remove ſuch unfit and unable Perſon, and chooſe and Swear ſome other. 1 *Bul. fo.* 21. 174, *Dalt. ca.* 16. *fo.* 47. 8 *Co.* 42. *Steels Rep.*

But in other Caſes its ſaid the Juſtices are not to meddle either in Seſſions or out of Seſſions. But leave it to the Cuſtom of the Court Leet. *Stiles Rep.* 362.

Conſtables Deputy.

Note alſo by the better opinion it is held, That the Conſtable of a Hundred or Pariſh, may not make a Deputy for the exempting of his whole Office; but he may depute one, to do many things under him, and in his Name, that relate to his Office, yet ſo that the Conſtab'e ſhall be Reſponſible, and Anſwer for what's amiſs, *&c.* 3 *Bulſt.* 77. 78.

Yet ſometimes one choſen, hath named a fit Perſon for his Deputy, who upon his acceptance hath been Sworn, and in

this caſe its ſaid the Deputy ſhall anſwer for himſelf. 1 *Cro.* 409. *Crawley's* Caſe.

Proteſtant Diſſenters being choſen Conſtables, &c. may make a Deputy.

By an Act 24 *Maii*, primo *Willielmi & Mariæ*, That if any Proteſtant Diſſenter from the Church of *England*, ſhall then after be choſen High-Conſtable, Petty-Conſtable, Churchwarden, Overſeer of the Poor, or to any other Parochial or Ward Office; and ſhall ſcruple to take the Office upon him in regard of the Oaths, or any other Matter to be done in reſpect of ſuch Office, ſuch perſon may execute the ſaid Office by a ſufficient Deputy by him to be provided, who ſhall comply with the Laws on this behalf. Provided ſuch Deputy be approved and allowed of in ſuch manner, as the Principal ſhould have by Law been allowed and approved.

After the Conſtable, Headburrough, or Tithingman is choſen he muſt take an Oath for the due execution of his Office. The Form whereof is as followeth.

The Oath at length.

The Form of the Conſtables Oath:

When the Conſtable is ſworn in Leet, then are added theſe Words, [*And the Lords of the Manor*]

YOu *ſhall well and truly ſerve our Sovereign Lord the King, in the Office of a Conſtable, and ſhall ſee the Kings Peace to be well and truly kept to the utmoſt of your power. You ſhall Arreſt all ſuch perſons as in your preſence ſhall ride or go armed offenſively, or ſhall commit or make any Riot, And the Affray, or other breach of the Peace You ſhall do your beſt endeavour (upon complaint to you made) to apprehend all Felons, Barretors,*

tors, or Riotors; or perſons rioteuſly aſſembled, and perſons making Affrays; and if any ſuch Offenders ſhall make reſiſtance with force, you ſhall levy Hue and Cry, and purſue them until they be taken. You ſhall do your beſt endeavour that the Watch in your Town be duly kept, and that Hue and Cry be duly purſued according to the Statutes; and that the Statute made for puniſhment of Rogues, Vagabonds, and Night-Walkers, and ſuch other idle and wandring Perſons coming within your Liberties, be duly put in Execution. You ſhall have a watchful Eye to ſuch Perſons as ſhall maintain or keep any Common Houſe or place, where any unlawful Games or Plays are or ſhall be uſed; as alſo to ſuch Perſons as ſhall frequent or uſe ſuch places, or ſhall exerciſe or uſe any unlawful Games or Plays there, or elſewhere, contrary to the Statute. At your Aſſizes, Seſſions, or Leet, you ſhall preſent all and every the Offences committed or done contrary to the Statutes made and provided for the reſtraint of inordinate haunting and tipling in Taverns, Inns, and Alehouſes; and for repreſſing of Drunkenneſs and Profane Swearing. You ſhall true Preſentment make of all Blood ſhedding, Affrays, Outcries, Reſcues, and other Offences committed or done againſt the Publick Peace within your Limits. You ſhall well and truly execute all Precepts and Warrants to you directed from the Juſtices of Peace, and others in Authority in this County. And you ſhall well and truly, according to your knowledge, power

and

and ability, do and execute all other things belonging to the Office of a Conſtable, ſo long as you ſhall continue in the ſaid Office.

So help you God.

Note, that it has been part of this Oath, to ſee the maintaining of Archery; but this ſeems to be out of uſe.

The Oath is many times contracted in Form, and adminiſtred briefly, thus:

The Oath in ſhort.

YOu ſhall Swear, That you ſhall well and truly execute the Office of Conſtable [or of a Tithingman, &c.] for the Town [or for the Pariſh or Tithing, &c.] of A. for the next Year [or for half a Year, as the time is to be *] and until another be Sworn in your room, or you ſhall be legally diſcharged thereof.*

So help you God, &c.

CHAP.

CHAP. II.

Of the ſeveral Duties incumbent on all Conſtables after they are Sworn, according to the particular Branches of their Oath.

BY the Form of the Conſtables Oath it appears, that he is ſworn to ſome things in general, and to others in particular. *The Heads of the Oath.*

1. In general, to ſerve the King [and if in a Leet, the Lord of the Mannor] in the Office of a Conſtable: This extends to his whole Office.

2. In particular, to ſee the Kings Peace to be kept and preſerved.

3. To arreſt ſuch perſons as ſhall in their preſence Ride, or go offenſively Arm'd, or commit any Riot or Affray, *&c.*

4. Upon Complaint, to apprehend all Felons, Barretors, Riotors, &c. and upon reſiſtance to levy Hue and Cry, and purſue them.

5. To ſee the Watch be duly kept in the Town.

6. To ſee that the Statue for puniſhment of Rogues, Vagabonds, Idle perſons, and Night-Walkers, be duly put in execution.

7. To have a watchful Eye upon perſons keeping unlawful Gaming-Houſes, and ſuch as frequent the ſame, and uſe any unlawful Games and Plays there, or elſewhere.

8. At

8. At the Aſſizes, Seſſions, or Leet, to preſent the Offences of Tipling, Drunkenneſs, and profane Swearing; againſt which the Statutes have provided.

9. To preſent all Bloodſhedding, Affrays, Outcries, Reſcues, &c.

10. To execute truly all Precepts and Warrants to them directed from the Juſtices, and others in Authority.

The reſt is in general, to do and execute all other things belonging to the Office of a Conſtable, to the beſt of his power, knowledge, and ability; and this again extends to his whole Office.

Particulars of the Oath firſt treated of.

I will firſt treat of theſe things which are particularized in his Oath, and next endeavour to ſhew all ſuch things as belong to his Office.

Note, that the Statute of 25 *Car. 2. ea.* 2. which appoints Officers and others to take the Oaths of Allegiance and Supremacy, &c. doth not extend to High-Conſtables, Petty-Conſtables, Headburroughs, or Tithingmen; nor to Churchwardens, Overſeers of the Poor, or the like inferior Civil Officers.

Compoſition of the Office in 2 parts.

This Office of *Conſtable, &c.* ſeems to be made up of two parts; the one derived from the ancient Common Law of the Nation, the other from divers Statutes and Acts of Parliament: His Authority alſo is ſeveral, in ſomethings acting of himſelf, without any command from others, and this is ſaid to be *ex Officio*; and in other things not to act without a Commandment, Warrant, or Precept from another perſon.

Ex Officio. Warrant.

It

It is in his power, by the virtue of his Office, to preſerve His Majeſties Peace.

1. In foreſeeing and preventing that nothing be done that directly will, or probably may, be an occaſion of the breach thereof.

2. In quieting ſuch as are actually breaking the ſame.

In puniſhing ſuch as have already broke the Peace.

Preventing and preſerving the Peace, ex Officio.

☞ Firſt, *For the preventing the breach of the Peace*, he *ex Officio*, without a Warrant from a Juſtice, by Night or by Day may Arreſt ſuſpected perſons, Strangers, and others, that walk in the Night and ſleep in the Day. He may ſtop all ſuch perſons as go or ride unlawfully Arm'd, and take their Arms from them, and commit them to Priſon; and if he be inform'd of ſuch as haunt Bawdy-Houſes, or other ſuſpicious Places, or of any lewd Man and Woman that are together, and about to be incontinent and lewd, he may take aſſiſtance with him and Arreſt them. 13 *Ed.* 1. 4. *Cromp.* 6. 12 H. 7. 18. *Fitz. Juſt.* 200

His Authority about an Affray.

If any be about to make an Aſſault or Affray, the *Conſtable* may in the *King's Name* command them to forbear and depart, on pain of Impriſonment. *Dalt.* fo. 33. And this he ought to do, or he may be Fined for his neglect, if it be preſented by the Inqueſt at the Seſſions of the Peace. *Cromp.* 146. Tho' ſome ſay, If he be ſent for to keep the Peace, and will not come, he ſhall not be Fined: But *Quære.*

If

To put the Affrayers in Stocks, &c.

If they will not surcease, but still threaten to beat, hurt, or kill one another, and fly into fury and passion, he may commit the Offenders to the Stocks, or in other safe Custody, until such time as he can carry them before some Justice of the Peace, to find Sureties for their Behaviour. *Dalt. ca. 1. fo. 4, 5. 118, 340. 3 H. 4. 9. 10.* But if there be nothing but Words, it seems the Constable may not lay hands on them. *Dalton* 34, 158.

He may require Assistance.

Secondly, If they draw Weapons, or give Blows, the Constable may command others to assist him; and if the Affrayers make resistance against him, he may justifie the beating or wounding of them, and setting them in the Stocks; and it shall be Murder in the Affrayers, if they kill the Constable, or any that assist him: And if any person be dangerously hurt in the Affray, the Constable may arrest the Offender, and carry him to a Justice of Peace, who is either to Bail him, or Commit him to Prison, until it be known whether the Party hurt will live or die. 4 *Co.* 4. 9. *Co.* 66. *Lamb.* 135. *Dalt.* 33.

**Note, that in such case any other person may arrest the Offender.*

Affray upon the Constable.

If any Affray or Assault be made upon the Constable, he may defend himself, and put the parties in the Stocks, till he can carry them to a Justice of Peace, or to the Gaol; and he may call others to assist him to do this, who may justifie the doing of it. *Dalton* 35. *Kitch.* 69.

If a Constable, or any of his Assistants

shall

shall be hurt in an Affray, they may have good remedy; but if the Affrayers be hurt in resistance, they shall have no remedy against them. *Lamb.* 141, 142. 21 *H.* 7. 21.

Hurting the Constable or his Assistants.

Thirdly, After an Affay, or breach of the Peace be over, it is said, That the Constable, without a Warrant, cannot arrest the Affrayers, except some person be dangerously hurt, as he may before or during the Affray. 38 *H.* 8. 6. But *quære.*

Warrant, where requisite.

Quære.

For its said, That if the Affrayers, when they see the Constable come to arrest them, shall fly into a House (by which it seems the Affray is over,) the Officer may in fresh pursuit of them, *ex Officio*, break open the Doors and Apprehend them; and if they fly into any Franchise within the County, he may follow and take them; nay, tho' they fly into another County, yet he may pursue them, and cause them to be taken there; but then in this last case, out of the County, he can meddle no further, but only as Assistant to the Constable there, to carry them before some Justice to cause them to find Sureties, and so much every private man may do. *Dalton* 28, 29, 33, 34. *Lamb.* 135, 143, 144. *Cromp.* 146.

Pursuit of Affrayer.

And it is also said, That if any Affray be in a House, and the Doors are shut, and tho' none of the Parties have taken any hurt; yet the Constable may *ex Officio*, break into the House, to see the Peace kept. See *Dalton* ca. 8. fo. 33, 34. and *Lamb.* 135.

Affray in a House, and the Doors shut.

It

It has been held, That the Conſtable might *Ex Officio*, take Sureties for the Peace, *Trin.* 35. *Eliz. Skarrets* Caſe: But it was then the opinion of others that he ought to carry the Offender before a Juſtice, and this is the uſual and ſafeſt way. And 'tis held, that though a Conſtable may do what he can to keep the Peace; yet he cannot at the requeſt of any Man, take Surety of the Peace. *Cromp.* 6. 12 H. 7. *fo.* 18. *a.* 3 H. 4. 9, 10. *Kitchin fo.* 69. *a. Dalton fo.* 4. 5.

Arreſting perſons offenſively Arm'd.

☞ Secondly, *For the arreſting ſuch Perſons as Ride or go Offenſively Arm'd*, you muſt obſerve, That if any Perſon ſhall Ride or go Armed offenſively, before His Majeſties Juſtices, or any other his Officers or Miniſters, in the time of executing their Office, or in Fairs or Markets or elſewhere, by Day or by Night, in affray of His Majeſties Subjects, and breach of the Peace; or wear or carry any Daggers, Guns or Piſtols Charged; the Conſtable upon ſight thereof, may ſeize and take away their Armour and Weapons, and have them apprized as forfeited to His Majeſty; and may alſo carry the Perſons wearing them before a Juſtice, to give Surety to keep the Peace. 2 *Ed.* 3. *ca.* 3. 7 *R.* 2. 13. 20. *R.* 2. *c.* 1. *Dalton Juſt. ca.* 9. *fo.* 35. and 159.

Who may be arm'd and when.

But His Majeſties Servants in his preſence, Sheriffs and their Officers, and other his Majeſties Miniſters, and ſuch as aſſiſt them to execute their Office; and all Perſons purſuing Hue and Cry, in caſe of

of Felony, and other Offences againſt the Peace, have lawful Authority to bear Armour or Weapons, *Dalt. ca. 9 fo. 36. 5 Co. fo. 72. 3 Co. Inſt. fo. 162.*

The Conſtables have further Authority to ſearch for Arms; but this is by Warrant; of which more hereafter.

Suppreſſing of Riots, &c.

As to Riots, Routs, *&c.* Note, That Sheriffs, Conſtables and all other his Majeſties Officers, ſhall ſuppreſs Rioters and impriſon them, and all other Offenders againſt the Peace. *17 R. 2. ch. 8.*

Aſſiſtants.

All his Majeſties Leige people upon warning, ſhall be aſſiſtant to the Juſtices, Commiſſioners, Sheriff and Underſheriff, upon pain of Impriſonment, and to make Fine and Ranſom to His Majeſty, *Stat. 2 H. 5. 8. Dalton J. P. ca. 46. fo. 114.*

What may be called a Riot, Rout, or unlawful aſſembly.

It is to be Noted, That when three or more Perſons do aſſemble themſelves together, to and with the intent to beat or mayhem a Man, to pull down a Houſe, Wall, Pales, Hedge, or Ditch, wrongfully, to claim or take Common, or a way in a Ground; to deſtroy any Park, Warren, Dove-houſe, Pond, Pool, Barn, Mill, or Stack of Corn, or to do any other unlawful act, with force and Violence, and againſt the Peace, and in manifeſt terror of the people; and if they only meet to ſuch a purpoſe or intent, although they ſhall after depart on their own accord, without acting any thing: Yet this is an unlawful aſſembly: And if after ſuch meeting as aforeſaid,

aforeſaid, they move forward towards the execution of their intent, tho' they put it not in execution, yet it is a Rout; and if they do put their intent in execution, and do any ſuch thing indeed, Then 'tis called a Riot.

And if 3, 4, or more, do enter into Lands with force, upon the poſſeſſion of another, tho' their Entry be lawful, yet its a Riot, becauſe 'tis prohibited by the Stat. to enter into Lands and Tenements with force, or a multitude of People. 5 *R.* 2. 7. 15 *R.* 2. 2, *&c. Cromp*, 68. *Dalt. fo.* 57. 8. *Lambert* 179, 81. 3 of *d pt.* and *Inſtit. fo.* 176.

And if any Conſtable, or any private Perſon of the ſame County, do refuſe to attend and aſſiſt the Juſtice of Peace upon Requeſt, to remove a Force, or to convey the Parties to the Gaol, he may be Impriſoned for his Neglect, and make Fine to their Majeſties. 15 *R.* 2. *ca.* 2. *Dalt. ca.* 22. *fo.* 57.

How they depend one on another. If therfore 3 or more meet with an evil intent to act, 'tis an unlawful Aſſembly; if they continue and move forward, 'tis a Rout; and if thereupon they commit any miſchief, 'tis a Riot.

Exception. Yet its ſaid there may be a Rout, where there was no unlawful aſſembly or evil intent, as in the caſe of a Man's going or Riding to the Seſſions, Market, Fair, or other aſſembly of Company with his Servants in Harneſs, tho' he hath no intent to Fight or commit any Riot, yet this is a Rout, by the manner of his coming,

ing, for the Stat. saith, That no Man shall bring any Force in Affray of the Peace, Nor shall go Armed in Fairs, Markets, or elsewhere, upon pain of Imprisonment, and Forfeiture of his Arms. *Stat.* 2. *Ed.* 3. 3.

Punishment thereof.

And all these 3 both *Riot Rout* and *Unlawful Assembly*, are punishable and fineable to His Majesty.

Observations concerning Riots, &c.

And these things are to be observed as to all, That the unlawful Assembly and Rout must be of 3 Persons or more, as must also a Riot, which is the most dangerous of all 3, and consequently most to be punished. *Stat.* 13. H. 4. 7. *Dyer* 210.

3 Persons.

That an Assembly of 3 persons or more, which is not to the terror of the People, nor to do some act with Force and Violence against the Peace, is not unlawful nor prohibited by any of the Statutes.

May Games and Sports.

So its said, that the Assemblies, that be used upon *May-day*, to fetch in *May-boughs* or Flowers, so assemblies at Church-ales, *Whitson* or *Midsummer-ales*, so assemblies at the fetching home, setting up, or Dancing about a May-pole, so the assemblies at the Bating of a Bull or Bear, or at the moving or making of Dole or Revel-Mead, so the assemblies of Minstrels and their Fellows at certain places and times allowed by old and ancient Customs, are not unlawful, See *Poulton de pac. Regis & Regne Tit. Riot, &c.*

Sports may become Riots.

But notwithstanding such Companies may fall into Riot by quarreling and taking of parts, and such Siders and partakers

kers to the Quarrels ſhall be adjudged Rioters, but not the Reſidue 22 H. 6. 37.

Apprehending of Felons.

Thirdly, The Conſtables are ſworn upon Complaint, *to uſe their beſt endeavour to apprehend all* Felons, Barretors, &c. *and upon reſiſtance to levy* Hue and Cry, *and purſue them, &c.*

Felons, what.

The Law accounts any Offence *Felony*, that is in degree next unto *Petit Treaſon*, and compriſeth divers particulars under it: As, *Murder*, *Theft*, *Sodomy*, *Rape*, *Wilful burning of Houſes*, and the like; alſo *Robbery*, which is a Felonious taking away of any Mans Goods from his perſon, or preſence, againſt his will, putting him in fear, and of purpoſe to ſteal the ſaid Goods: And this is ſometimes call'd *Violent Theft*, which is Felony for Two pence. *Weſt.* Sect. 60. tit. *Indictments. Crompt.* p. 32. 4 *Co.* 124. *b.*

Therefore ſuch as commit ſuch Felonies be called *Felons.*

Barretor, what.

Baretors are Deceivers, and common Wranglers, that ſet men at odds, and are themſelves never quiet. *Lamb. Eir.* p. 342. ſaith, a Barretor is a vile *Knave* or *Unthrift.*

Notice of Felons given to the Conſtable.

If Felons and Murderers be in a Town or Village, and the Conſtable, Headburrough, &c. have Notice of them, it is their Duty *ex Officio*, to gether Men together and apprehend them. And if any Felon be taken, it is the Conſtable's Office to ſee him conveyed to Gaol. And if any man will lay Murther or Felony to anothers charge, he may declare it to the Conſtable;

ſtable; and the Conſtable ought upon ſuch Declaration, or Complaint, to carry him before a Juſtice; and if by common Voice or Fame any man be ſuſpected with cauſe, the Conſtable of duty ought to arreſt him, and bring him before a Juſtice to be examined. *Fitz. Juſt. P.* 201. 1 *R.* 3. 3. *Lamb.* 17.

If any Houſe be ſuſpected for receiving or harbouring of any Felon, the Conſtable, upon Complaint or common Fame, may ſearch both for the Felon and Goods ſtolen. And ſo its ſaid any other man as well as an Officer, may arreſt and keep in hold ſuch a Man, as he doth know to have committed any Felony. *Dalton* 289, *Conſtables ſearch.*

If any fly upon a Felony, the Conſtable ought to raiſe Hue and Cry to take him, and in the mean time to ſeize his Goods, and to Inventory them in the preſence of honeſt Neighbours, for his Goods and Chattels are forfeited, if he be guilty; and in ſome caſes his Lands too. *Fitz. J. P.* 201. *Conſtable to raiſe Hue and Cry.*

Hue and Cry ſignifieth, the purſuit of one having committed Felony by the Highway; and if the party robb'd, or any in the company of one murthered or robb'd, come to the Conſtable of the next Town, and will him to raiſe Hue and Cry, or to make purſuit after the Offender, deſcribing the Party, and ſhewing (as near as he can) which way he is gone; the Conſtable ought forthwith to call upon the Pariſh for Aid, in ſeeking *Hue and Cry, what,*

seeking the Felon: And if he be not found there, then to give the next Conſtable warning, and he the next, until the Offender be apprehended, or at leaſt until he be thus purſued to the Seaſide. *Bract. l. 3. tract. 2. ca. 5. Smith de Repub. lib. 2. cap. 20. Stat. 13 Ed. 1. cap. 3. 28 Ed. 3. cap. 11. 27 Eliz. ca. 13. Crompt. 160. b.*

Warning for freſh Suit.

Search.

The Conſtables and Officers of every Town, to which Hue and Cry ſhall come, ought to ſearch in all ſuſpected Houſes and Places within their limits: And as well the Officers, as all other perſons which ſhall purſue the Hue and Cry, may attach and ſtay all ſuch perſons, as in their ſearch and purſuit they ſhall find to be ſuſpicious, and thereupon ſhall carry them before ſome Juſtice of Peace of the County where they are taken, to be examined where they were at the time of the Felony Committed; and if any default be in the Officers, they may be Fined by the Juſtices for their neglect. *Dalt. cap. 28. fo. 75.*

Suſpected perſons.

Nota. No Hue and Cry ſhall be deemed legal, unleſs the purſuit be both by Horſe and Foot. 27 *Eliz.* 13.

Hundred Fina'd, for not making Freſh Suit. And the Hundred where freſh Suit ſhall ceaſe, in caſe of Robbery, ſhall anſwer half the Damages to the Hundred where in the Felony ſhall be committed, to be recovered in any Court at *Weſtminſter* in the Name of the Clerk of the Peace of the County wherein the Felony was committed; and here the death or change of the

the Clerk of the Peace ſhall not abate the Suit.

Tax, how to be levied.

When in this caſe Damages are recovered againſt any one, or ſome few Inhabitants of the Hundred, and the reſt refuſe to contribute thereunto, two Juſtices of the Peace (one being of the *Quorum*) dwelling within or near the ſame Hundred, ſhall for the levying thereof ſet a Tax upon every Pariſh within that Hundred, according to which the Conſtable and Headburroughs of every Town, ſhall tax the particular Inhabitants, and levy the Mony upon them by diſtreſs and ſale of Goods, and deliver the Mony levied to the ſaid Juſtices, or one of them, reſtoring the Overplus to the party diſtrain'd. 17 *Eliz.* 13.

One of the Felons taken.

And note, That no Hundred ſhall be chargeable when any one of the Malefactors ſhall be apprehended; or when the Action is not proſecuted within one year after the Robbery committed. 17 *Eliz.* 13,

Concerning Eſcapes, &c.

Concerning Eſcapes ſuffered by Conſtables

THE voluntary letting of a Felon to Eſcape, before he be arreſted for the Felony, is no Felony in the Party that ſuffereth him to Eſcape: But if the Conſtable ſuffers one to Eſcape, when he knows he hath committed a Felony; in ſuch caſe he may be Indicted and Fined for ſuffering the Eſcape.

And

Voluntary Eſcape made Felony.

And its ſaid, That if the Felon be under arreſt of the Conſtable, or any other, for Felony or Suſpicion thereof, and the Conſtable or other perſon, who ſo hath him a Priſoner, voluntarily lets or ſuffers the Felon to go at liberty where he will; this is Felony in the Gaoler, Conſtable or other perſon that ſo letteth him Eſcape; but it is no Felony in the Priſoner, becauſe he broke not the Priſon.

Negligent Eſcape.

But if ſuch a Priſoner ſhall Eſcape by the negligence of his Keeper, and againſt his Will and knowledge, then it is Felony in the Priſon, becauſe a breach of Priſon; and the Gaoler, Conſtable, *&c.* may be Fined by the Judges or Juſtices for ſuch Eſcape. *Stamf.* 32, 34. *Dalton*, fo. 272. *Bro.* Eſcape 32. *Dyer* 99.

Felon deſtroys himſelf.

If a Conſtable, or other Officer, voluntarily ſuffer a Thief to kill, hang, or Drown himſelf; this is ſaid to be an Eſcape and Felony in the Conſtable: But if this be done unawares to the Conſtable, and without his conſent, then is ſuch an Eſcape but negligent, and Fineable. And Note, that ſuch a Thief ſo killing or drowing himſelf, is ſaid to be *Felo de ſe*, in reference to the deſtroying himſelf, *Dalton* fo. 272.

Conſtable Fined.

Where the Conſtable may diſcharge the Priſoner.

If a man be arreſted only on ſuſpicion of Felony, and it appear afterwards there was no ſuch Felony Committed, then may the Conſtable or Officer diſcharge the Priſoner; and it is no Eſcape where there was no Felony. But

on

on the contrary, if one be arrested upon Suspicion, and there is really a Felony committed; and though after the Arrest the Officer is satisfied, that the Party arrested is not guilty: Yet he cannot discharge him, but he must be set at Liberty by due course of Law; for otherwise it will be a voluntary Escape and Felony, or at least Fineable. *Dalton*, fo. 275. *Cromp.* 40.

Arrests made by Private persons.

If a Private person (as he may) in many cases arrest another; as in case of a dangerous Affray, Suspicion, or knowing one to have committed Felony, or one that is apparently about to commit a Felony, or one that hath dangerously Wounded another, or Night-Walkers that are dangerously suspicious, *&c.* He ought to carry and deliver the Prisoner to a Constable, Headburrough, or Tithingman, &c. and they are bound to secure the Party arrested. *Dalton* fo. 338. 20. *Ed.* 4. 6.

Constable charged.

Prisoner Pinion'd

And note, That where a Constable or Officer shall imprison any Felon in the Stocks, he may lock the Stocks, and may also (if he see need) put Irons on the Prisoner: And when he is about to convey him to the Justice or Goal, he may Pinon him, or otherwise to secure him, that he cannot Escape. *Dalton* fo. 342.

How the Constable may deliver up the Prisoner.

And when the Constable carries any such Felon, or suspected Felon, to the Gaol, the Gaoler is obliged to receive him: But if he refuses, then the Officer may either keep the Prisoner in his own

House, or carry him back to the Town where he was taken; and the Town in the last case, its said, shall be charged with the keeping of him until the next Gaol delivery, where (upon Complaint against the Gaoler) they will punish him for his Refusal. *Dalt.* 340, 341. 10 *H.* 4. & 4 *Ed.* 3. *ca.* 10. *Poulton*, Prison. 6.

But it may be the best and safest way to carry him to a Justice, if conveniently it may be done.

Felon taken in another County.

In case where a Justice of Peace, Constable, or other Officer, comes to a Felon to arrest him, and he perceiving it flies into another County before he can be taken, and he is there taken; in such case the Felon must be carried before some Justice of the Peace of that County, where he is taken; and must be committed to the Gaol of that County, altho' the Felony was committed in another County. *Dalton* fo. 340. *Bro.* Imprif. 25.

☞ Fourthly, *To see the Watch be duly kept in the Town, &c.*

Watch; in what time of the year.

The Constables, &c. of every Town, are to cause Night Watch to be kept from *Ascension-day* till *Michaelmas*, from Sun-set until Sun-rising, *viz.* in a City with Six men at every Gate; and in a Burrough with Twelve men; and in every Town with Six or Four Men, according to the number of the Inhabitants

habitants there. If any Stranger paſs by them, he ſhall be arreſted until the Morning, when (if they have no ſuſpicion of him) they ſhall let him go quit; but if otherwiſe, they ſhall deliver him to be ſafely kept, *&c.* And here if any will not obey the Arreſt, they ſhall levy Hue and Cry upon him; and for ſuch Arreſt of a Stranger, none ſhall be puniſhed. *Stat. Wincheſter, cap.* 4. 13 *d.* 1.

1. Theſe Watchmen ſhould be of able Body, and ſufficiently Armed. *Watchmen, how to be qualified.*

2. No Man is compellable to Watch, except he be an Inhabitant within the ſame Town, *&c.*

3. That ſuch as are Inhabitants within the Town, are not compellable to Watch at the Will of the Conſtable, but only when their Turn cometh; unleſs it is the uſe and cuſtom of the Place to do otherwiſe. *Their Order.*

4. If ſuch as ought to Watch, refuſe upon command of the Conſtable, the Conſtable may complain of him to a Juſtice of Peace, who may bind him over to his Good Behaviour, and to anſwer at the Quarter-Seſſions; or the Conſtable may preſent him at the Aſſize or Seſſions of the Peace: And ſome have held, that he may ſet the Party in the Stocks for his Contempt. But this ſeems rather to be, when the Party (or ſome for him) appears, and yet will not be orderly, as the Conſtable ſees fit. *Dalton fo.* 141. *Refuſal to Watch.*

Watchmens Duty. These Watchmen are to apprehend all Rogues and Vagabonds, Night-walkers, Eves droppers, Scouts, and the like, and such as go Arm'd.

Their Examining of Passengers. And though it be said, That if a Stranger pass by them, he shall be arrested until the Morning: The use and custom is for Watchmen to examin them; and if they find cause of suspicion in them, then they may keep them till the Morning: If not, suffer him to pass; and whether they be Horsemen, or Footmen, or Drivers of Cattle, or the like; or that shall carry any Burthen on Horseback; the Watch may stay them till the Morning, to justifie themselves, unless they can render a good account, both of themselves, their Company and Carriage; and if any Post come by them, 'tis good to know what number they have, lest Offenders shelter themselves, and slip away under their Convoy. *Dalton*, fo. 140, 292.

Nota, and Quære. And Note, That the Constables, *&c.* are to be Aiding and Assisting to these Watchmen on all occasions: But yet methinks there is no reason that the Constables should (as some do) think, that their Word is an unalterable Law, and that if a Person be taken in the Night on their Watch, and they once give order for the carrying him to the Counter, *&c.* that they cannot upon his Submission, or proof of being a Civil person, call him back or discharge him. For in the Case of an Affray, after

after the Affray is over, the Conſtable may ſet the Affrayer at Liberty again, on his own head: Therefore more reaſonably he may in this Caſe, though in the caſe of Felony, or Suſpicion thereof, he cannot do it, as is aforeſaid.

☞ Fifthly, *That the Statutes made for Puniſhing Rogues, Vagabonds, Night-walkers, and ſuch other idle perſons be duely put in Execution.*

This is a large Branch of the Conſtables Office, and herein two things are to be known.

1. What a Rogue is, and who is to be accounted a Vagabond, *&c.*

2. What is to be done unto them.

Note therefore, That all Perſons (being above the Age of 7 years) Man or Woman, ſingle or married, That wander from their uſual place of abode, every where Begging, or if they do not Beg, if they wander and loiter Abroad, without a lawful Paſtport, and give no good Account of their Travel, are accounted Rogues. *Who are accounted Rogues.*

But † theſe following are of a higher degree, and are to be accounted as Rogues, Vagabonds, and ſturdy Beggers. † *Rogues Vagabonds and ſturdy Beggars.*

1. *Viz.* All Scholars and Seafaring-men that Beg.

2. * Wandring Perſons uſing unlawful Games, ſubtle Crafts, or Plays, or pretending themſelves to have skill in telling * *'Tis Felony without Clergy for Gypſies to remain above a Month in England or Wales.*

telling Fortunes, by the marks or Figures in the Hands or Face, or by caſting of Figures, all counterfeit Egytians (or Gypſies) not being Felons.

3. All Juglers (or ſlight of hand Artiſts, pretending to do Wonders, by vertue of Hucus Pocus, the powder of Pimperle Pimp, or the like) Tinkers, Pedlers, petty Chapmen, Glaſs-men, eſpecially if they be not well known, or have a ſufficient Teſtimonial.

Protectors in this Senſe are Gatherers.

4. All Protectors, Patent-Gatherers, (except for Fire) Collectors for Goals, Priſoners, or Hoſpitals, wandring abroad, Fencers, Bearwards, common Players of Enterludes, and Fidlers, or Minſtrels wandring abroad.

5. Perſons delivered out of Goals, who beg their Fees, or otherwiſe do Travel Begging; ſuch as go to and from the Baths, and do not purſue their Licence; Souldiers and Mariners, that Beg and counterfeit Certificates from their Commanders.

6. All Labourers which wander abroad out of their reſpective Pariſhes, and refuſe to Work for Wages reaſonably taxed, having no Livelyhood otherwiſe to maintain themſelves, and ſuch as go with general Paſports not directed from Pariſh to Pariſh.

And

And note alſo, That all Servants departing out of their Service, that is to ſay, out of one City, Town or Pariſh, to ſerve in another, having no ſuch Teſtimonial as the Statute requires, or producing a falſe one, are to be puniſhed as Vagabonds.

And ſo are ſuch perſons as are ſick of the Plague, or infected therewith, and wilfully go abroad in Company, againſt the command of Officers.

For all theſe things ſee, *Stat.* 29. *Eliz. ca.* 4. *&* *ca.* 17. 1 *Jac. ca.* 7. 21 *Jac. ca.* 28. *Dalt. ca.* 24. *poult. Vag.* 2. *&* 7. *Reſoluc. Judic.* 13, 15.

The Conſtables, &c. are to apprehend all Rogues, Vagabonds, &c.

Next obſerve, That Conſtables, *&c.* are to uſe their beſt endeavours to apprehend all ſuch Vagabonds, Rogues, or ſturdy Beggars, which ſhall be found and taken Wandring or Begging within their reſpective Precincts under the forfeiture of 10 *s.* for every neglect.

The ſame forfeiture is by ſuch private perſons as ſhall not apprehend Rogues, &c. being at their Doors. And if any perſon bring a Rogue or Beggar to one of theſe Officers, he is obliged to receive him and puniſh him according to Law, or he forfeits 20 *s.* to be levyed by Warrant from 2 Juſtices. *Stat.* 39. *Eliz. ca.* 4. 1 *Jac. ca.* 7.

The Puniſhment is after this manner.

Rogues Vagabonds, &c. How to be puniſh'd.

THE Conſtable, Headburrough, or Tythingman aſſiſted by the Miniſter, and one other of the Pariſh, is to ſee, (or do it himſelf,) That ſuch Rogues and Vagabonds, *&c.* be ſtript Naked from the middle upwards, and openly Whipped till their Body be bloody, and then forthwith to be ſent away from Conſtable to Conſtable the next ſtraight way to the place of their Birth; and if that cannot be known, then to the place where they laſt Dwelt, by the ſpace of one whole Year before the time of ſuch their Puniſhment; and if that cannot be known, then to the Town through which they laſt paſſed unpuniſhed; and if it cannot be there diſcovered where they were Born, or laſt Dwelt as aforeſaid, then are they by that Conſtable, or rather from Conſtable to Conſtable to be conveyed to the Houſe of Correction, or common Goal of the County, to be imployed in Work, or put in ſome Service, and to be therein continued by the ſpace of one Year: But if they be not of able Body to Work, then that laſt Town is to keep them till they can be placed in ſome Almſhouſe within the ſame County. 39. *Eliz. ca.* 4. 2. *Bul.* 258. *Reſoluc. Judic. Sect.* 714.

Note,

Note, none are to be ſent to the place of their Birth, or laſt Habitation, but wandring Rogues: For thoſe that Beg in their own Pariſhes, or High-ways, without the appointment of the Overſeers, are to be ſent to the Houſe of Correction.

Obſerve further, That after ſuch Vagabond is whipt as aforeſaid, he is to have a Teſtimonial under the Hand and Seal of the Conſtable or Tything-man, (*&c.*) and the Miniſter, teſtifying the day and place of his Puniſhment; as alſo the place to which he is to be conveyed, and the time limited for his paſſage thither: And if by his own default he exceed that time, then he is again to be whipped, and ſo from time to time till he arrive at the place limited: The ſubſtance of the Teſtimonial is to be Regiſtred by the Minſter, in a Book which he is to keep for that purpoſe, on pain of five ſhillings for every Default. *Dalt. fo.* 129. *Rogues and Vagabonds, &c. muſt have a Teſtimonial.*

The Form of the Teſtimonial it ſelf, may be in this manner, *viz.*

LAwrence Lazy, *a Sturdy Vagrant Beggar, aged about Forty Years, of middle Statute, brown-haird, and round Viſaged, was this ſix and twentieth day of* October, *in the Tenth Year of the Reign of our Gracious Sovereign Lord* William *of* England, *&c. King, openly whipt in* The Form of the Teſtimonial.

the

the Parish of St. Giles *in the Fields, in the County of* Middlesex, *according to Law, for a wandring Rogue, and is assigned to pass forthwith from Parish to Parish by the Officers thereof, the next straight way to* Hardwork, *in the County of* O———, *where he confesseth he was Born, [or Dwelt last by one whole Year, if the place of his Birth cannot be discovered,* &c.] *and he is limited to be at* Hard-work *as aforesaid, within Twelve days now next ensuing, at his peril. Given under the Hands and Seals of A. B. Minister of the Parish of St. Giles aforesaid, and* C. D. *Constable of the said Parish.*

Forfeitures of such as shall disturb or hinder the punishment of Rogues, &c.

And note That such person as shall in anywise disturb or hinder the execution of this Law, concerning the punishment of Rogues, *&c.* shall forfeit 5 *l.* to be levyed by Distress; and bound to the good Behaviour, by two Justices, one to be of the *Quorum. Stat.* 39. *Eliz. ca.* 4. after Confession or Proof of two Witnesses, *Dalt. fo.* 149.

Forfeiture of the Constable for not receiving and conveying Rogues, &c. *from Parish to Parish.*

And it is said to have been resolved by the Judges at *Westminster*, soon after the making of this Stat. That where a Rogue is to be conveyed from Constable to Constable, the next straight way to the place of his Birth, in such case, if the Constable of any parish will not receive such Rogue, to convey him to the next Constable, *&c* he forfeits 5 *l.* and may be bound as aforesaid to his good behaviour. And the penalty is said to be the same if he do receive.

receive him or her, and yet doth not convey him or her to the next Conſtable, upon their paſſage. *Reſol.* of *Judges. Sect.* 13, 14. *Dalt. fo* 128.

How and to what places Rogues and Vagabonds ought to be ſent and ſetled.

And it is alſo ſaid to have been then reſolved, That if a Rogue ſay he was born at ſuch a place, and it cannot be made appear to the contrary, he muſt be ſent thither.

Husband and Wife.

So, if the Husband or Wife have a Houſe, and one of them or both Rogue about, they ought to be ſent to the Town where the Houſe is; and ſo of an Inmate.

Children under 7 years of age.

Alſo the Wife and all Children under 7 years of age, being Vagrant, muſt be ſent to the Husband, and if he be Dead, then to be ſent with the Wife where ſhe was born, or dwelt laſt.

Children above 7 years of age.

And Vagrant Children above 7 years old, muſt be ſent to the place of their birth.

Children under 7 years once ſetled, may not be removed.

And Note, that when ſuch Vagrant Parents with their Children under 7 years of age, be placed at the place of birth of their Parents, or their laſt Dwelling, if afterwards the Parents or either of them dye, or run away, yet the Children once ſetled, muſt remain there ſtill, and may not be ſent to their place of birth, though after they grow to be 7 years old.

Wife.

The Wife being a Vagrant, ought to be ſent to the Husband, though he be but a Servant in another Town.

The

Husband Wife and Children together.

The Rogue whoſe place of birth, or Dwelling cannot be known, having a Wife, or Children under 7 years of age, They muſt all go together with the Husband, to the place where they were laſt ſuffered to paſs through without puniſhment; and there the Children muſt be relieved with the Work of their Parents, tho' their Parents be committed to the Houſe of Correction.

Conſtables not to poſt away too haſtily ſuch as are Sick or great with Child.

But its ſaid, Conſtables are not to poſt away ſuch Vagrants, (taken by them or ſent to them,) that are deſperately ſick; nor Women ready to be delivered; nor to deliver them to the next Conſtable after Sun-ſet. See for theſe, *Dalton, Cha.* 47. *Reſol. Jud. Sect.* 4. & 5.

Incorrigible Rogues.

Note, That ſome Rogues are look'd upon as incorrigible Rogues, as ſuch as ſhall appear to be dangerous to the inferiour ſort of people, threatning or offering any Violence to them, or that will not be reformed from their Roguiſh Life, as having been once whipt and ſent home, and do afterwards wander again: Or when they ſay they were born or Dwelt laſt in ſuch a place, where in truth it is otherwiſe. Such as theſe are accounted incorrigible Rogues; and all Conſtables meeting ſuch Perſons within their Liberties, ought to carry them before ſome Juſtice of Peace, there to be ordered by him according to the Statute.

The Puniſhment of Incorrigible Rogues, is to be Burnt on the left Shoulder, and

is

for the next time 'tis Felony without Clergy. 1 *Jac.* 7.

Again, all such Persons as shall run from their Families, and leave a charge to the Parish, are to be punished as Incorrigible Rogues; and if any threaten so to do, unless he give good Sureties for the discharge of the Parish, he may be sent to the House of Correction. *See Dalt. ca.* 47. *Resol. Jud. Sect.* 4. *&* 5. *Threatning to run from their Families.*

If the Constable neglect his Duty, he forfeits 10 *s.* as before; as such as disturb or hinder the Execution of the Law, forfeit 5 *l.* as before. *Forfeitures for not apprehending Rogues, &c.*

So every Person that shall not apprehend such Rogues, as he shall see or know resort to his House to Beg, *&c.* and shall not carry them to the next Constable, shall forfeit 10 *s.* as before. 39. *Eliz. ca.* 4. 7 *Jac.* 4.

Yet any Justice of the Peace may reward any Persons, who shall apprehend and bring before him any Rogue, Vagabond, or sturdy Begar, by granting to such Persons under his Hand and Seal to the Constable or Tything-man of the Place, through which the Rogue did pass unapprehended, ordering him to give such Person 2 *s.* for every Rogue so taken, on pain of being proceeded against according to the Statutes of 39. *Eliz. &* 1. *Jac.* 7. And out of the Money forfeited by the Constable upon the Statute 1 *Jac.* the Justice may allow the said 2 *s. Stat.* 13. *&* 14. *Car.* 2. *ca.* 12. which Statute *Reward for apprehending Rogues, &c.*

being

being expired was, 1 *Jac.* 2. reviv'd for 7 years.

Rogues apprehended on the Confines of a County.

And ſo, they that apprehend Vagabonds, *&c.* at the Confines of a County, which paſſed through any Pariſh in another County unapprehended, may go to a Juſtice of Peace of that County, where ſuch Rogue, *&c.* was not apprehended, who upon Certificate from ſome Juſtice of Peace of that County, where ſuch Rogue, *&c.* was apprehended, may grant ſuch Warrants to the Conſtable to reward them as aforeſaid; and in caſe of the Conſtables refuſal to pay, the Juſtice of the County through which the Vagabond paſſed unapprehended, may cauſe the Conſtable there, to pay to ſuch Perſon or Perſons as apprehended him or them, 10*s.* or ſo much thereof for their Expences and loſs of Time as he thinks fit, which he forfeited by. 39 *Eliz. See ſtat.* 13, 14, *Car.* 2. *ca.* 12. revived for 7 years.

How Conſtables are to be repaid their Charges in conveying of Rogues, &c.

Alſo Conſtables, Headburroughs, and Tything-men, out of Purſe for conveying Vagabonds, &c. to Houſes of Correction, or Work-houſes, They (the Conſtables, &c.) the Churchwardens, and Overſeers of the Poor, and other Inhabitants in the Pariſh, may Tax all chargeable by the *Stat.* 43 *Eliz. Chap.* 2. which Rate being affirmed under Hand and Seal by two Juſtices of the Peace, they may levy it by Diſtreſs and Sale of Goods, 13, *&* 14 *Car.* 2. *ca.* 2. *See Wing. Abridg. of Stat. Tit. poor People.*

Note,

Note, This Statute 13 & 14 *Car.* 2. *cap.* 12. (Except what concerned the Corporations of Workhouſes, within the Weekly Bills of Mortality) was but to continue till the next Seſſion: But 19 *May* 1 *Jac.* 2. it was revived for 7 years, and to the end of the next Seſſion.

Conſtables, &c. Fined, for not ſearching for Rogues according to Warrant, and for not giving an Account, how many have been Convicted.

Note, That if the Conſtable or Tithing-men neglect to make privy Search for Rogues, upon Warrant from the Juſtices of Peace, and to appear before the Juſtices, at their Meeting appointed for that purpoſe, to give an Account (upon Oath) in writing under the Miniſters hand, teſtifying what Rogues, &c. they have taken in that Search, or ſince the laſt Meeting; and how many have been puniſhed, or otherwiſe ſent to the Houſe of Correction: Or if they neglect ſafely to convey ſuch to the Houſe of Correction, as by the ſaid Juſtices Warrant are to be committed thither, they are to incur what Fine the Juſtices pleaſe to ſet upon them, ſo that it exceed not 40 *s.* 7 *Jac.* 1. *cap.* 4.

We have ſpoke before concerning Wandring Labourers, refuſing to work for reaſonable Wages, having no other livelyhood.

Conſtables may ſet on work Labourers, &c. in Hay or Corn harveſt.

Yet you may obſerve, That the Conſtable, &c. has power *ex Officio* to ſet on work all Artificers, or Mechanick Tradeſmen, fit to labour by day, upon Requeſt to him made by any Perſon that wants help in Hay, or Corn Harveſt.

veſt. And if they refuſe, he may ſet them in the Stocks two Days and one Night; and if the Conſtable neglect his duty herein, he ſhall forfeit 40 *s.* *Stat. 5 Eliz. cap.* 4.

Servant departing from one Service in one Town, to another Service in another Town, &c. without a Teſtimonial

We ſpoke before of Servants leaving their Services without Teſtimonial, *&c.* 'Tis true, theſe Teſtimonials now are ſeldom regarded; yet the Law gives a great Penalty in this caſe. For the Maſter that retains a Servant without a Teſtimonial, forfeits, 5 *l.* And every Servant which ſheweth not a Teſtimonial to the Chief Officer in a Corporation, or to the Conſtable, Miniſter, or Churchwardens, where he is to dwell, may be impriſon'd, till he can get one; which, if not procured within 21 days; or if he produce a falſe one, he is to be whipt and uſed as Vagabond. *Stat.* 5 *Eliz. Chap.* 4.

Who muſt make the Teſtimonials.

Theſe Teſtimonials, if in a Town Corporate, are to be under the Hands and Seals of the Town, and two Houſholders there; and in the Country, under the Seals of the Conſtable or Conſtables, and two Houſholders there: Which Teſtimonial ſhall be made and delivered to the Party, and alſo Regiſtred by the Miniſter of the place where the Servant dwelt; for which the Miniſter is to have Two pence.

Note, No Penalty for not delivering a Teſtimonial to the Servant.

The

The Form of the Teſtimonial is this:

MEmorandum, *That* A. B. *Servant to* C. D. *of* J. *in the County of* E. *Husbandman* [*Taylor*, or the like] *in the ſaid County, is Licenſed to depart from his ſaid Maſter*, [*or Miſtreſs, or Dame*, as the caſe happens] *and is at his liberty to ſerve elſewhere, according to the Statues in that caſe made, and provided. In witneſs whereof We have hereunto ſet our Hands and Seals the 26th Day of* October, *in the Tenth Year of the Reign of our Sovereign Lord King* William. Anno Dom. 1698. The form of the Teſtimonial.

A. B. Conſtable of *J.*

C. D.
E. F. } Houſholders there.

One would wonder how ſo ſtrict a Law ſhould be ſo ſoon diſuſed; but it may be, for that it found a great Inconvenience for a Servant to get ſuch a Teſtimonial; however the Law is ſtill in force.

As to this Branch of the Oath that concerns *Night-Walkers*, and ſuch other Idle perſons, I have ſpoke of that before in the *Duty of the Conſtable and his Watch*. Yet it is ſaid, That any Private man may arreſt Night-Walkers; however, then he muſt deliver them to a Conſtable, *Night-Walkers.*

ble, and they may be bound to their good behaviour by a Juſtice.

See 2 *E.* 3. 6. *Dalt.* fo. 16. *Poult.* 18. *Lamb.* 122.

Orchard-Robbers, Hedge-Breakers, Wood-Stealers, &c.

For the reſt of the Idle perſons, I think we may reckon up ſuch as cut down Wood or Corn, or rob Orchards, and the like. And therefore obſerve, That all ſuch as ſhall be convicted before a Juſtice of Peace, for cutting and taking away of Corn growing, Robbing of Orchards, Breaking Hedges, &c. and their Procurers and Receivers knowing the ſame; if they cannot make ſuch Satisfaction as the Juſtice ſhall think fit, the Juſtice may then commit them to the Conſtable to be Whipt, either for the firſt or ſecond Offence; and if the Conſtable refuſe or neglect to ſee them Whip, the Juſtice may commit him to Goal till he will do it; or procure it to be done. *Stat.* 43 *Eliz. cap.* 7.

Conſtables may apprehend ſuſpected perſons.

And by the Statute 15 *Car.* 2. *cap.* 2. Conſtables, Headburroughs, or other Inhabitants in County, City, or Town Corporate, &c. may apprehend whom they ſuſpect having or conveying any Wood, Under-wood, Poles, or young Trees, Bark or Baſt of Trees; or any Gates, Stiles, Poſt, Pales, Rails, Hedg-wood, Broom or Furze; and by Warrant from a Juſtice of Peace, the Officers may ſearch the Houſes, and other places belonging to thoſe they ſuſpect; and were they find any, may carry Perſons ſuſpected for cutting and taking the ſame,

May ſearch ſuſpected Houſes.

before

before a Juſtice of Peace of the County, City, or Town Corporate; where, if they give not ſuch account how they came by them as doth ſatisfie the ſaid Juſtice, or in convenient time to be ſet by the Juſtice, produce not the Party of whom they bought the ſame, or ſome Witneſs to depoſe upon Oath, ſuch Sale ſhall be deemed as Convicted within the meaning of 43 *Eliz. cap.* 7. and be liable to the Puniſhment therein contain'd: And alſo for the firſt Offence, ſhall make ſuch Recompence, and within ſuch time as the ſaid Juſtice ſhall appoint; and pay to the Overſeers for the Poor of the Pariſh where the Offence was committed ſuch Sum, not exceeding 10 *s.* as ſuch Juſtice ſhall think meet; and in default thereof, to be committed to the Houſe of Correction for any time, not exceeding a Month; or elſe to be Whipt by the Conſtable, &c. and for the ſecond Offence, to be ſent to the Houſe of Correction for a Month, and be kept to hard Labour; and convicted of the third Offence, they ſhall be deemed Incorrigible Rogues, 15 *Car.* 2. *cap.* 2.

Puniſhment

Incorrigible Rogues.

And if any perſon buy Wood, &c. of any other juſtly ſuſpected to have ſtoln the ſame, and this be ſo found upon Examination before a Juſtice, the Juſtice may order the Buyer to pay the treble Value thereof to the Party from whom it was taken; and in default of preſent Payment, make a Warrant to the Conſta-

Penalty upon the Buyer of ſtoln Wood.

ble

ble to distrain for it; and for lack of Distress, to commit the Party to the Gaol, at the Parties own charge, there to remain one Month without Bail or Mainprize. 15 *Car.* 2. *cap.* 2.

How and when to be prosecuted.

But none shall be questioned upon this Law, that hath been punished for the same Offence by any former Law; nor after six Weeks after the Offence committed, shall any Question thereof be made. 15 *Car.* 2. *cap.* 2.

☞ Sixthly, *To have a watchful Eye to such as shall keep Common and Unlawful Gaming-Houses; and to such Persons as shall frequent the same.*

Search for Gaming-Houses, &c. 48 s.

Every Mayor, Sheriff, Bailiff, Constable, and other Head Officer within every City, Burrough or Town, shall make due search, once every Month at least, in pain to forfeit 48 *s.* for every default, in all such Houses and places where unlawful Games shall be used, and may

Imprisonment till Security.

arrest and imprison as well the Keepers of the House, as the Resorters thereunto until they shall severally give good Security at the discretion of the Justices or such Officers, not to keep such Games any more. 33 *H.* 8. *ca.* 9.

Unlawful Games and Gamesters.

And for distinguishing what are unlawful Games, and who are unlawful Gamesters, it is Enacted by the said Statute, 33 *H.* 8. *cap.* 9. That no Artificer, or his Journyman, no Husbandman Apprentice, Labourer, Servant at Husbandry

bandry, Mariner, Fiſherman, Waterman, or Servingman, ſhall play at Tables, Tennis, Dice, Cards, Bowls, Claſh, Coyting, Loggating, or any other unlawful Game, out of Chriſtmaſs, or then out of their Maſters houſe or preſence, in pain of 6 *s.* 8 *d.*

But this Act ſhall not reſtrain a Servant, by his Maſters Licenſe, to Play at Cards, Dice, or Tables with the Maſter himſelf, or other Gentlemen reſorting to his Maſters Houſe. And if his Maſter have Freehold of 100 *l. per Annum*, he may alſo Licenſe his Servants to play at Bowls or Tennis. 33 *H.* 8. *ca.* 9.

And Note, That all Licences to keep Houſes or Places of Unlawful Games, ſhall be void by Stat. 2 & 3 *Phil. & Ma. cap.* 9. *Licenſes void.*

☞ Seventhly, *At your Aſſizes, You ſhall preſent all Offences contrary to the Statutes, for the reſtraint of inordinate haunting and Tipling in Inns, &c. for the repreſſing of Drunkenneſs and profane Swearing.*

No Innkeeper, Victualler, or Alehouſe-keeper, ſhall ſuffer any Town-Dwellers to ſit Tipling in his Houſe, in pain of 10 *s.* nor ſell leſs than a full Ale Quart of the beſt Ale or Beer, or two Quarts of the ſmall for 1 *d.* in pain of 20 *s.* And here the View of one Juſtice, or proof by one Witneſs upon Oath, or the Parties own Confeſſion before one Juſtice, is ſufficient Conviction. 1 *Jac.* 9. *No Alehouſekeeper to ſuffer Tipling.*

And

Conviction, 1 *Jac.* 9. 21 *Jac.* 7. 1 *Car.* 4. And the Oath of the Party confeſſing ſhall convince any other.

Diſtreſs. The Penalties aforeſaid are given to the Poor of the Pariſh where the Offence is committed; and are to be levied on Warrant (by the Conſtable and Churchwarden) by Diſtreſs, which after ſix Days may be ſold to ſatisfie the Penalty: And in default of Diſtreſs, the party Delinquent muſt ſuffer Impriſonment till he pay the Penalty. And here every Officer that neglects to levy the ſaid Penalty; or certifie (within 20 Days) the default of Diſtreſs, ſhall forfeit likewiſe to the Poor 40 *s.* to be levied (upon Warrants) from one Juſtice, by Diſtreſs and Sale as aforeſaid; and upon default of Diſtreſs, ſhall incur Commitment, as aforeſaid.

Impriſonment.

Officer forfeits 40 *s.*

Officers accountable. The Officers, or other Parties, receiving theſe Penalties, ſhall be accountable to the ſucceeding Officers, and other Pariſhioners.

One convicted of Drunkenneſs. One convicted of Drunkenneſs in Court, or before a Judge or Juſtice in their ſeveral limits; or by the View of one Juſtice, or proof by one Witneſs, upon Oath before one Juſtice, ſhall forfeit five Shillings to the Poor, to be levied and employed as the Penalties of 1 *Jac.* 9. And in caſe he be not able to pay it, ſhall remain in the Stocks ſix Hours: And for the ſecond Offence of Drunkenneſs, may be bound to good Behaviour. 4 *Jac.* 5. 21 *Jac.* 7.

Penalty.

Stocks.

Here

Here the Officer that neglects to levy the said Penalty upon Warrant, shall forfeit 10 *s.* to be levied and employed, as aforesaid. 4 *Jac.* 5. *Officer forfeits* 10 *s.*

A Town-Dweller, which is convict to sit Tipling in any Inn, Victualing-house, or Alehouse, by the View of one Justice, or the proof of two Witnesses; shall forfeit Ten Groats, to be levied and employed as aforesaid; and being not found able to pay it, shall remain in the Stocks four Hours, 4 *Jac.* 5. *One convict of Tipling.* *Forfeiture.* *Stocks.*

These Offences, as also those mentioned in 1 *Jac.* 9. shall be enquired of, heard, and determined at the Assizes, Quarter-Sessions, in Corporate Towns and in Leets. 4 *Jac.* 5. *Where these Offences shall be enquired.*

And all Constables, Churchwardens, Headburroughs, Tithingmen Aleconners and Sidemen, shall be charged on their Oaths to prevent the said Offences. 4 *Jac.* 5. 21 *Jac.* 7. *Officers sworn to prevent them.*

None shall be twice punished for one Offence. 4 *Jac.* 5. *But one Punishment for one Offence.*

† Vintneres, which do also keep Inns or a Victualinghouse, shall be taken to be within these Acts, 1 *Jac.* 9. 4 *Jac.* 5. and 1 *Car.* 4. † *Vintners within these Acts.*

The Offenders 4 *Jac.* 5. to be prosecuted within six Months.

By *Stat.* 3 *Car.* 3. none shall keep an Alehouse without Licence, in pain to forfeit 20 *s.* to the Poor, which the Constable and Churchwarden (upon Warrant beforl the Justice) shall levy by distress, *Alehouse without License.* *Distress.*

and (after three Days default of payment) may ſell the Diſtreſs, to ſatisfie the Penalty, rendring the Overplus: And in caſe the Delinquent hath not wherewithal; the ſaid Juſtice ſhall commit him to the Conſtable, to be openly Whipt.

Alehouſe-keeper Whipt.

Officer puniſh'd.

And here the Officer that neglects to execute the Warrant, or to puniſh the Offender, ſhall ſuffer Impriſonment without Bail, or pay 40 *s.* to be employed as aforeſaid.

See *Dalton's Juſt.* fo. 31, 32. *Abridg. of Stat. Tit. Alehouſes, &c.*

And by 21 *Jac.* 7 & 10. the Alehouſekeeper ſhall be disabled for three years, who offends againſt 1 *Jac.* 9. and 4 *Jac.* 5.

Alehouſe-keeper refuſing to lodge Travellers.

And Note, That if a Common Innkeeper or Alehouſekeeper will not lodge a Traveller, who profers ready Mony beforehand for his Victuals: In ſuch caſe the Conſtable may cauſe ſuch Innkeeper, or Alehouſekeeper, to be Indicted at the next Seſſions or Aſſizes, where the Juſtices may Fine and impriſon him.

Indicted and Fined.

Damages recovered by the Traveller.

Or in ſuch caſe the Traveller grieved may bring an Action, and recover Damages againſt the Innkeeper, &c. *Dalton* fo. 28. 9 *Co.* 27. *b.* 10 H. 7. 8.

Next,

Next, *For the Repreſſing of Profane Swearing.*

If any ſhall Swear or Curſe within the hearing of a Juſtice of Peace of the County, Mayor, Juſtice, Bayliff, or Head-Officer of any City or Town Corporate where the Offence is; or ſhall be convicted therof by his own Confeſſion, or the Evidences of two Witneſſes upon Oath, before ſuch Mayor, Juſtice, or Head-Officer, he ſhall forfeit 12 d. for every time, and the Juſtice of Peace, or Head-Officer, may thereupon iſſue out their Warrant to the Conſtables, and Churchwardens and Overſeers of the Poor of that Pariſh where the ſaid Offence ſhall be committed, to levy the ſum and ſums of Mony by diſtreſs and ſale of the Offenders Goods, rendring the Overplus (if any be) to the Owner. *Profane Curſing and Swearing* *Forfeitures*

And where no Diſtreſs is to be had, the Offender (if above 12 years of age) ſhall by Warrant, as aforeſaid, be ſet in the Stocks three hours; but if he be under 12 years, and ſhall not forthwith pay the ſum of 12 *d. per* Oath, then he ſhall be Whipt by the Conſtable, or by the Parent or Maſter in the Conſtables preſence. 21 *Jac. cap.* 20. 3 *Car. cap.* 4. 17 *Car. cap.* 4. *Dalton* 138. See the late Act. *Offender ſet in the Stocks.* *Offender Whipt.*

I ſpoke before of the Conſtables Authority upon Notice of a Womans being in Adultry; and of a Man and Woman of evil Fame, going to a Suſpected houſe.

☞ I will next ſet down the Conſtables Office, concerning ſuch as *Profane the LORD's-Day*: And obſerve, That in the opening the 5th, 6th, and 7th Branches of this Oath, is ſet down the Duty of the Conſtables, as the Matters mentioned in the *Abſtract of Penal Laws*, lately commanded by the QUEEN to be put in Execution.

Penalties upon ſuch as uſe unlawful Sports and Paſtimes on the Lord's-Day.

The Conſtable, Headburrough, &c. or Churchwardens, by Warrant from a Juſtice of Peace (or other Chief Officer of any City, Burrough, or Town Corporate) under their Hand and Seal, againſt ſuch as uſe Unlawful Games on the LORD's-Day, as *Bearbaitings*, *Butbaitings*, *Enterludes*, *Common Plays*, or other Unlawful Paſtimes within, or out of their own Pariſh, may levy the Penalty of 3 *s.* 4 *d.* by diſtreſs and Sale of the Offenders Goods, rendring the Overpluſs to the Owners; and in default of Diſtreſs, the Conſtable is to ſet the Offender in the Stocks by the ſpace of Three hours. 1 *Car.* 1. *cap.* 1.

2 *s.* 4 *d.*

Stocks.

Conviction by View or one Witneſs, &c. To be proſecuted within a Month. General Iſſue.

The View of one Juſtice in the Country, or Chief Officer in a Corporation, or Parties own confeſſion, or the Oath of one Witneſs, ſhall be a ſufficient Conviction. But the Party offending againſt this Act, muſt be queſtion'd within a Month after the Offence committed: And if the Officer be queſtioned, he ſhall Plead the general Iſſue, and yet give the ſpecial Matter in Evidence.

dence. 1 *Car.* 1. *cap.* 1. *Dalt.* fo 63. *Abridg. of Stat.* p. 275.

Every perſon keeping or being preſent on the *LORD*'s-Day at any Wreſtlings, Shootings, Bowlings, Ringing of Bells for Pleaſure, Mask, Wake, Church-Ale, Dancing, Game, Sport, or Paſtime whatſoever, he forfeits 5 *s.* if he or ſhe be above 14 years of Age; but if he be under, he forfeits only 12 *d.* by him under whoſe Tuition he or ſhe is. *5 s. forfeited.*

And no Carrier with his Horſe, Waggoner with his Wagon, Carman with his Catt, Wainman with his Wain, or Drover with his Cattle, ſhall Travel on the LORD's-Day, in pain to forfeit 20 *s.* for every ſuch Offence, 3 *Car.* 1. *cap.* 1. *20 s. by a Carier, &c.*

Note, There muſt be but one 20 *s.* forfeit for one Journy, though they paſs through ſeveral Pariſhes, and the Pariſh where the Diſtreſs is firſt taken ſhall have it. *See. Dalt.* fo. 134.

Neither ſhall any Butcher by himſelf, or any for him, kill or ſell any Victual upon the ſame day, in pain of 6 *s.* 8 *d.* 3 *Car.* 1. *cap.* 1. *Butcher 6 s. 8 d.*

Here the Conviction of the Offender, and the levying and employment of the Forfeitures, are the ſame with thoſe of the former Statute, ſave only that here two Witneſſes are neceſſary. *Conviction by View, or two Witneſſes, &c.*

This Action ſhall be proſecuted within ſix Months; and here alſo the Officer may plead the General Iſſue. *Stat.* 3 *Car.* 1. *cap* 1. *General Iſſue.*

And note, That a Churchwarden may levy 12 *d.* upon ſuch Perſons as repair not every Sunday to ſome Church or Chapel, by 1 *Eliz. cap.* 2.

But by 3 *Jac.* 4 he muſt levy it by Warrant,

By the Act of *Indulgence*, he may go to Meeting or Conventicle.

See more of this hereafter, in the Duty of Churchwardens.

Penalties on ſuch as ſhall Work or Sell on the Lord's-*Day.*

All Laws in force, concerning the Obſervation of the LORD's-Day, ſhall be put in Execution. None ſhall do any worldly Labour or Buſineſs on that day, (Works of Charity and Neceſſity only excepted) and all of the Age of 14 years or upwards, offending in the Premiſſes, ſhall forfeit 5 *s.* And no perſon ſhall publickly Cry, or expoſe to Sale any Wares whatſoever on that Day, on pain to forfeit them, 29 *Car.* 2. *cap.* 7.

5 *s.*

Quære, If ſelling Drink (called for) be an Expoſing of Wares &c.

Drover, Higler, &c. 20 *s.*

No Drover, Horſe-Courſer, Waggoner, Butcher, Higler, or their Servants, ſhall Tarvel on that Day, on pain to forfeit 20 *s.*

Boatman and Paſſenger, 5 *s.*

No perſon ſhall uſe or Travel on the LORD's-Day with any Boat, Wherry, &c. Except on extraordinary Occaſion, to be allowed by a Juſtice of Peace or Head-Officer of the place, &c. on pain to forfeit 5 *s.* 29 *Car.* 2. *cap.* 7.

The

The Juſtice of Peace, or Chief Officer of the City, Bourrough, &c. before whom the Offender is convicted by View, Confeſſion, or Oath of one Witneſs, ſhall give Warrant to the Conſtables or Churchwardens, to ſeize the Goods cried or put to Sale, and to Sell them, and to levy the other Penalties by diſtreſs and ſale of Goods; and in caſe of Inability, &c. to ſet the Offenders in the Stoks for two Hours. The Penalties to be employed to the uſe of the Poor of the Pariſh where the Offences are committed; ſaving that any Juſtice or Head-Officer may out of them reward Informers, ſo as ſuch Reward exceed not a third part of the Penalties, 29 *Car.* 2. *cap.* 7.

Seizure of Goods expoſed to Sale.

Offender to be ſet in the Stocks.

Informers rewarded.

This Act ſhall not prohibit Dreſſing of Meat in Families, or Inns, Cooks Shops, &c. nor crying of Milk before 9 of the Clock in the morning, or after 4 in the afternoon, 29 *Car.* 2. *cap.* 7.

Toleration for Cooks.

No Perſons on the LORD's-Day ſhall ſerve any Proceſs, Warrant, &c. (Except in caſes of Treaſon, Felony, and Breach of the Peace,) but ſuch Services ſhall be void; and the Perſons ſerving the ſame ſhall anſwer Damages, as if they had done the ſame without Warrant, 29 *Car.* 2. *cap.* 7.

Serving of Proceſs and Arreſts.

Diſturbing Preachers.

Diſturbing of Miniſters in their Preaching, &c.

ANy perſon Diſturbing a Lawful Miniſter in Preaching, Praying, or Adminiſtring the Sacrament, may be preſently apprehended by the Conſtable or Churchwardens, and carried before a Juſtice, who may, if he think fit, commit him to ſafe Cuſtody; and within ſix Days after with another Juſtice, if they find the Offence proved by two Witneſſes, commit him to the Goal for three Months, and from thence till the next Seſſions; where the Offender giving Security for his good Behaviour, he may be diſcharged, otherwiſe to be continued in Priſon till he make ſubmiſſion.

Commitment.

Good Behaviour.

Submiſſion.

Reſcuing the Offender 5 l.

And note, That if any perſon reſcues ſuch an Offender, he ſhall ſuffer Impriſonment, and alſo forfeit 5 *l.* And alſo the Inhabitants of the place, if they ſuffer him to eſcape, forfeit 5 *l.* if they be preſented at the County Seſſions, *Stat.* 1 *Mar. Seſſ.* 2. *cap.* 3.

Some think this Statute is repealed by 1 *Eliz. cap.* 2.

See *Dalt.* fo. 103, 104.

But it is taken notice of in the *Abſtract of the Laws*, which its ſaid Her Majeſty lately commanded to be put in Execution.

See more hereafter, of Diſturbing a Proteſtant Diſſenting Miniſter.

Popiſh

Popiſh Recuſants.

POpiſh Recuſants, above 16 years of Age, ſhall within 40 days after their Conviction repair to their uſual Dwelling, and not remove above Five miles from thence, in pain to forfeit all their Goods, and Lands, and Annuities during life. And if they have no certain abode, then they are to repair to the place where they were Born, or where their Father or Mother dwells; and within twenty days after their Arrival there, to give their Names in writing to the Miniſter, Conſtables, and Headburroughs; which Miniſter is to enter them in a Book to be kept for that purpoſe; and he, together with the ſaid Conſtables and Headburroughs, are to certifie the ſame to the next Quarter Seſſions, where the Juſtices of Peace, ſhall cauſe them to be Inrolled.

Popiſh Recuſants.

Not to remove five Miles from their dwelling, &c.

To give in their Names to the Conſtables, &c.

See *Wing. Abr. Stat. tit. Crown*, 35 *Eliz. cap.* 2.

The Conſtables and Churchwardens of every Pariſh, or one of them (or if there be none ſuch, then the High Conſtables of the Hundred there) are once every Year to preſent at the General Seſſions of the Peace, the Monthly abſence from Church of every Popiſh Recuſant, and the Names of their Children, being above the Age of Nine years, abiding with their ſaid Parents, and of their Ser-

Conſtables to preſent Popiſh Recuſants at the Seſſions

vants,

vants, together with the Age of their Children, as near as they can know them, on pain to forfeit reſpectively for every ſuch default 20 *s* Which Preſentment, the Clerk of the Peace or Town-Clerk ſhall Record without Fee, on pain of 40 *l.* 3 *Jac.* 1. *ca.* 4. *Abr. Stat. tit. Crown.*

On Penalty of 20 *s.*

Recuſant refuſing to take the Oath.

If the Miniſter, Petty Conſtables, or Churchwardens of any Pariſh, or any two of them ſhall complain to a Juſtice of the Peace, of any perſon ſuſpected of Recuſancy, ſuch Juſtice may tender the Oath of Allegeance to the Perſon ſuſpected; and if he refuſe to take it, may commit him to Gaol till the next Aſſize or Seſſions: where, if he again refuſe, he incurs a *Premunire*; but if the Perſon ſuſpected be a married Woman, ſhe ſhall only be continued in Priſon, without Bail, till ſhe take the ſaid Oath, *Wing. Abr. tit. Crown, 7 Jac. cap. 6. Dalt.* fo. 10.

Note, That by a late Act 1 *W. & M.* the old Oaths of Allegeance and Supremacy are taken away, and new Oaths appointed.

Conven-

Conventiclers.

EVery Conſtable, Headburrough, Tithingman, Churchwarden, and Overſeers of the Poor, are authorized and required to levy the Fines aſſeſſed by the Juſtice of Peace upon thoſe who ſhall be preſent at unlawful *Conventicles*, upon their Goods and Chattels (having firſt received a Warrant under the Hands and Seals of one or more Juſtices or Chief Magiſtrate) and forthwith to deliver the Mony ſo levied to the ſame Juſtice of Peace, or Chief Magiſtrate, 22 *Car.* 2. *cap.* 1.

Conſtables muſt levy Fines, &c. upon frequenters of Conventicles.

If any Conſtable, Headburrough, Tithingman, Churchwarden, or Overſeers of the Poor, ſhall know or credibly be inform'd of any Conventicle within his Precinct; and ſhall not thereof inform ſome Juſtice of Peace, or Chief Magiſtrate, and endeavour to Convict the Parties, but neglects his Duty, he forfeits 5 *l.* to be levied on his Goods, 22 *Car.* 2. *cap.* 1.

Conſtables muſt inform of Conventicles on Penalty of 5 l.

And the ſaid Officers, being Conſtable, Headburrough, or Tithingman, may (upon a Warrant from one or more Juſtice or Juſtices, or Chief Magiſtrate) with what aid, force and aſſiſtance they think fit, (after refuſal or denial to enter) Break open into any Houſe, or other place, where they ſhall be inform'd any Conventicle is held, as well within Liberties as without, and take into their Cuſtody

May break open the Doors, to ſearch for Conventiclers.

Cuſtody the perſons there unlawfully aſſembled, to be proceeded againſt according to this Act.

Peers Houſe But no Peers Houſe is to be ſearched, unleſs in preſence of a Lord Lieutenant, or two Juſtices of the Peace, whereof one to be of the *Quorum*.

Wives Penalty levied on Husbands Goods. And Note, That the Penalties for a Married Woman, (living with her Huſband) ſhall be levied on Goods of the Husband.

General Iſſue. And any Perſon Sued for acting by this Law, may plead the General Iſſue, and give the Special Matter in Evidence, and ſhall recover treble Coſts, 22 *Car.* 2. *cap.* 1.

Exceptions by Act of Indulgence to Diſſenters. But Obſerve further, That now His Majeſties Proteſtant Subjects, diſſenting from the Church of *England*, and qualified according to the late Statute of Indulgence, are exempted from Penalties,.

See *Star.* 1 *W. & Ma.* 24 *Maii*, 1689.

Not to extend to Popiſh Recuſants. Provided no Popiſh Recuſant have any benefit.

Provided alſo no Congregation be allowed until the place of Meeting be certified to the Biſhop, or Arch Deacon, or Juſtice of the Peace, &c.

Diſſenters not to keep their Meeting Houſe Doors lock'd or barr'd, &c. And provided, That if any Aſſembly of Perſons, diſſenting from the Church of *England*, ſhall be had in any place for Religious Worſhip, with the Doors lock'd, barr'd, or bolted, during the time of ſuch Meeting together: All and every Perſon, that ſhall come to, and be at ſuch Meeting,

Meeting, ſhall not receive any benefit from this Law, notwithſtanding his taking the Oaths, and making and ſubcribing ſuch Declarations, &c. as are in the ſaid Act contained, 1 *W. & M.* 24 *Maii*, 1689.

☞ *You ſhall true Preſentment make of all Bloodſhedding, Affrays, Outcries, Reſcues, or other Offences committed or done againſt His Majeſty's Peace, within your Limits.*

This Branch explains it ſelf; and it is the Duty of High Conſtables, and Petit Conſtables to attend upon, aid and aſſiſt, and execute the Warrants of the Judges of Aſſize, at their Aſſizes and Goal-Delivery, and the Juſtices of Peace at their General and Special Seſſions, and other Meetings, and there (upon Oath, and in Writing, if it be required) to make Preſentment to them of things within their knowledge againſt the Peace, and of ſuch other things as are uſually contain'd in Articles exhibited to them for that purpoſe: As concerning Felons, Hue and Cry, Watch, Puniſhment of Rogues, Labourers, Servants, Apprentices, Idle and Suſpected perſons, the Aſſize of Bread and Beer, Weights and Meaſures, Bridges in Decay, Alehouſes, Licenſed and Unlicenſed, Gaming-houſes, harbouring Rogues, Tipling and Drunkenneſs, unlawful and Unſealed Meaſures, Defect of Highways, &c. and

When and where Conſtables muſt make their Preſentments.

and if they be Charged, they muſt give Account to all the Particulars of their Office; and for any neglect or fault therein, Juſtices may puniſh them by Indictment or otherwiſe, as in other like caſes of neglect or contempt of them.

Note, Moſt of theſe Things, eſpecially thoſe which are common Nuſances; as Corrupting the Air, Water or Victuals, by Filth or Carkaſſes, &c. ſtopping of the way and paſſage, Deceit in Weights, &c. Counterfeiting of Wares, and the like, the Conſtables, &c. are to preſent at Leets, and give Information of the Offenders, to the intent they may be puniſhed as the Law requires.

See *Bacon's Caſes*, p. 28.

☞ Ninthly, *You ſhall well and duly execute all Precepts and Warrants to you directed, from the Juſtices of Peace and others, who have Authority in this County.*

How the Conſtables ought to execute the Juſtices Warrants.

Firſt obſerve, That its ſaid a Juſtice of Peace, may direct his Warrant to the Sheriff, Bayliff, Conſtable, Headborough, Tithingman, or any other Officer, or any other indifferent Perſon by Name, though he be no Officer.

See *Dalt.* fo. 332. 14 H. 8. 16.

But ſome Acts of Parliament limit the Officers, to whom he ſhall direct his Warrant, &c.

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Secondly,

Secondly, Note, That generally where a Juſtice of Peace hath Juriſdiction and Authority in the matter, though he make his Warrant ſomething beyond his power, yet is not the Conſtable, &c. to diſpute it, but muſt Execute it, and he ſhall be Excuſed; as for Example, If the Juſtice make a Warrant to arreſt a Man for the Peace or good Behaviour, &c. and there is no cauſe for it, yet the Officer ſhall not be puniſhed for Executing the Warrant. But it is otherwiſe, where a Juſtice of Peace makes his Warrant for ſomething to be done out of the Juriſdiction of the Juſtice, or wherein he is no Judge; and here the Officer may be puniſhed if he Execute it, and therefore may very well diſobey it. And it behoves an Officer at his Peril, to take notice of the Authority and Juriſdiction of the Juſtice. *Dalt. fo.* 334. *Lamb.* 67, 49. *Cromp.* 74. 14 *H.* 8. 16. 10 *Co. fe.* 76.

When a Juſtice makes his Warrant beyond his Power, &c.

Neither ought an Officer to obey a Warrant that has apparent and notorious miſtakes in it, at is it command him to levy of a Man 5 *l.* becauſe he was Tipling in an *Ale-Houſe*, or had Sworn an Oath, or the like, where the Penalty amounts not to a tenth part; or if it requires the Conſtable to do ſomething not within his Precincts: But otherwiſe where it is regular; The Officer to whom ſuch Warrant is directed, ought with all ſpeed and ſecrecy to Execute it. *Dalton fo.* 332.

Notorious miſtakes in a Warrant.

And

Conſtable not obliged to ſhew his Warrant.

And Note, a ſworn Officer, as a Conſtable, &c. needs not to ſhew his Warrant to any man, when he comes to ſerve it upon him, although he require it; yet he ought to acquaint the Perſon with the Contents thereof; and ſuch as is no ſworn Officer ought to ſhew his Warrant on Demand, otherwiſe the Party may chuſe whether he will obey it. *Dalt. fo.* 332. *Bro. Faux Impr.* 23. 6. *Co.* 54. 9 *Co.* 68.

Officer gives ſufficient notice by theſe words I arreſt you, &c.

But 'tis ſaid, That if the Officer ſay to a Party I arreſt you in the Kings Name, &c. That is a ſufficient notice what he is, and in ſuch caſe, though the Party knoweth he is no ſworn Officer, he ought at his Peril to obey him; and if the other hath no lawful Warrant, the Party grieved may bring an Action of falſe Impriſonment againſt him. *Dalt. fo.* 333. 9 *Co. fo.* 69.

Conſtable makes an arreſt firſt, and then procures a Warrant.

If a Conſtable, or other Officer arreſt a man, before he has his Warrant, though afterwards he procure one to arreſt the party for the ſame cauſe, yet is it a wrongful arreſt, and the Officer is ſubject to an action of falſe Impriſonment. *Dalt.* 333. *Lamb.* 93. *Dyer* 244.

Conſtable takes the Offenders word for apperance.

If a Conſtable, &c. after he hath arreſted the party, by virtue of his Warrant, lets him at Liberty upon his promiſe, that he will come again at another day, and go with him to the Juſtice, and if the party comes not at the day appointed, The Conſtable in this caſe cannot take him again upon the ſame Warrant,

Warrant, becauſe he went at Liberty by his conſent; but if he had eſcaped of his own wrong without the conſent of the Officer, in ſuch caſe its ſaid, the Officer may make freſh Suit and take him again, and though he run out of ſight, or fly into another Town or County, he may bring him back before the Juſtice that granted the Warrant on which he firſt arreſted him. *Dalton fo.* 333 340. *Cromp.* 148, 172, 173, 214 *Vid. antea, concerning Eſcapes.*

Freſh Suit.

Its ſaid, That if there be two or three Perſons known by the Name of *A. B.* of *C.* Gent. and a Warrant is granted againſt one of them, wherein the wrong Perſon is arreſted, in ſuch caſe falſe Impriſonment will not lye. *Dalt.* 333. 11 H. 4. *fo.* 90 5 *E.* 4. *fo.* 51.

3 Perſons of one Name, and the wrong man is arreſted. Quære of this.

But where a Warrant is granted, againſt *A. B.* Son of *E. B.* and the Officer takes *A. B.* Son of *I. B.* who in truth is the right Perſon that offended, and was complained of; yet the arreſt is wrongful, and the Officer lyable to an action of falſe Impriſonment. *Dalton* 333 10 *E.* 4. 1. *Bro.* 38.

Conſtable takes the Offender, whoſe name was miſtaken in the Warrant.

It has been held, That a Juſtice of Peace cannot make a Warrant to arreſt a Felon, unleſs he be firſt Indicted of Felony, or that the Juſtice himſelf hath a ſuſpicion of the Felon. But yet if the Conſtable or other Officer do execute the Warrant he may juſtify it, though there was Error in the Juſtice. 14 H. 8. 16. *Por.*

Warrant againſt a Felon.

16. *Bro. Peace.* 6 & *Faux Imp.* 8. *Dalt. fo.* 331.

Nota. Note, it is ſaid before, That a Conſtable, *Ex Officio* may upon ſuſpicion or information arreſt a Felon.

One arreſted for Felony, and none done. Yet its ſaid, that common Fame and Voice is not ſufficient cauſe to arreſt a Man for Felony, unleſs a Felony be done indeed. But where a Hue and Cry, either by the Common Law or Statute is Levyed upon a Perſon, the Arreſt of him is Lawful, though the Hue and Cry be feigned. And if it be feigned, he that Levies the ſame, may be Arreſted, Fined, and Impriſoned. 29 *E.* 3. 9. 38 *E.* 3. 6. 3d *part Co. Inſt. fo.* 118. 21 *H.* 7. 28.

Hue and Cry feigned

Where the Conſtable may break open the Houſe. Note, That a Conſtable or other Officer, upon a Juſtices Warrant for Treaſon, Felony, and the like, or in any other caſe where the King is a Party, may by vertue of the Warrant break upon any Houſe, to arreſt the Offender, having firſt ſignifyed the cauſe of his coming, and required them to open the Doors. 5 *Co. fo.* 9. *Cromp.* 171. *Dalt. fo.* 204, 205, 333.

Puniſhment of ſuch as abuſe the Juſtices Warrant. Note alſo, That if any Perſon ſhall abuſe the Juſtice of Peace his Warrant, either by throwing it into the Dirt, Treading it under Feet, burning it, or the like: Such perſon for ſuch his Contempt, may be bound to his good Behaviour; and may alſo be Indicted and Fined for the ſame, for it is the Kings Proceſs. *Cromp.* 149. *Dalt. fo.* 334.

Note

Note alſo, upon a General Warrant, the Conſtable may chuſe his Juſtice, but where the Warrant runs only to bring the Party before the Juſtice granting it, then the Conſtable muſt carry him before that Juſtice, and not elſewhere.

Before what Juſtice the Offender muſt be carried.

Laſtly, Obſerve, That a Perſon committed to Gaol, ought to bear his own charges, to be levyed of his Goods and Chattels, by a Juſtices Warrant for that purpoſe; but if he have not Goods, then the Pariſh where he was apprehended is to bear the charge of Conveying him, by an indifferent Aſſeſment, by the Conſtable and Church-Wardens, and two or or more of the Inhabitants, allowed of by a Juſtice of Peace. And the Gaoler is bound to receive the Priſoner freely, without taking any thing of the Officer that brings him. *See Stat.* 3. *Jac.* 1. *Chap.* 10.

Offenders committed to Gaol muſt bear their own Charges.

☞ Tenthly, *You ſhall well and truly according to your Knowledge Power and Ability, do and execute all other Things belonging to the Office of a Conſtable, ſo long as you ſhall continue in the ſaid Office.*

This is the laſt Branch of the Conſtable's Oath, and extends to all other things belonging to his Office. Therefore I ſhall next endeavour to ſet them down in order for your Inſtruction.

CHAP.

CHAP. III.

The Constables Office about Seizing Arms, &c.

Constables to seize the Arms of such as the Lieutenants of the Militia judge dangerous.

THE Lieutenants of the Militia, or two or more of their Deputies, may by Warrant employ Persons) of which a Commission-Officer, and a Constable or his Deputy, or the Tythingman, or in their absence, some other Officer of the Parish shall be two,) to search for, and seize Arms, in the Custody of such as the said Lieutenants or any two of their Deputies judge Dangerous, and to secure them, and give account thereof to the said Lieutenants, *&c. 13 & 14 Car. 2. ca. 3.*

When the Search must be made.

No Search to be made between Sunseting and Sunrising, other than in Cities and their Suburbs, Towns Corporate, Market-Towns, and Houses within the Bills of Mortality, if the Warrant so directs. *Ibid.*

Searching of the House of a Peer.

No Dwelling-house of a Peer shall be searched, but by Warrant from the King, under the Sign Manual, or in the presence of the Lieutenant, or one Deputy Lieutenant. *Ibid.*

In case of Resistance.

In case of Resistance, it shall be lawful to enter with Force, and the Arms seized may be restored, if the Lieutenants, their Depu-

Deputies, or any two of them think fit. 13 & 14 *Car.* 2. *ca.* 3.

High Conſtables, Petty-Conſtables, and other Officers, ſhall be aſſiſting in the Execution of the Premiſes.

Conſtable to levy Fines, &c.

The Conſtables alſo, by Warrant for that purpoſe, under the Hand and Seal of the Lieutenants and their Deputies, or three of them, are to Levy to ſuch Sums as ſhall be charged upon ſuch as neglect to provide Horſe-men and Foot-men, Arms, &c. according to the Act 14 *Car.* 2. *ca.* 3. 15 *Car.* 2. *ca.* 4.

Lack of diſtreſs and Commitment.

And where ſufficient Diſtreſs cannot be had, Then the Lords Lieutenants or their Deputies, by like Warrant to the Conſtable may commit ſuch Offender to Priſon, until he ſhall make ſatisfaction, according to his Forfeiture, Payment, or Penalty. 15 *Car.* 2. *Ca.* 4.

Conſtables to ſeize Popiſh Recuſants Arms.

The Conſtables or their Deputies, Head-burroughs, and Tithing-men from time to time are to aſſiſt ſuch as ſhall be impowred by Warrant, under the Hands and Seals of two Juſtices of Peace or more, to ſearch for all Arms, Weapons, Gunpowder, or Ammunition, which ſhall be in the Houſe, Cuſtody, or Poſſeſſion of any Popiſh Recuſant, and to ſeize the ſame for the uſe of His Majeſty. *Stat.* 11. *Maii, primo* W. & M.

Diſturbers to be committed.

All Popiſh Recuſants, and other Perſons, concealing Popiſh Recuſants Arms, or diſturbing ſuch as are authorized to ſearch and ſeize the ſame, ſhall by like Warrant

Warrant as aforeſaid, be committed to the common Gaol for three Months without Bail, and ſhall forfeit the ſaid Arms, and loſe treble the value of them to His Majeſty, and his Succeſſor.

To ſeize the Horſes of Popiſh Recuſants, above 5 l. valu e.

Alſo the Conſtables, *&c.* are to be aiding as aforeſaid, to ſearch for the Horſes of Popiſh Recuſants, above the Value of 5 *l.* a piece, and to ſeize the ſame for His Majeſty's uſe; and to carry to Gaol ſuch as ſhall conceal any ſuch Horſes, to be committed by like Warrant for 3 Months without Bail, and to forfeit treble the value of ſuch Horſe or Horſes. 1 *W. & M.* 11. *Maii*, 1689.

Amoving Papiſts 10 *Miles from* London *and* Weſtminſter.

The Conſtable alſo is to obey the Juſtice his Warrant, for bringing before him, and amoving Papiſts and reputed Papiſts, from the Cities of *London* and *Weſtminſter*, and 10 Miles diſtant from the ſame, 14 *April*, 1 *W. & M.* 1689.

CHAP. IV.

Account.

BAyliffs, Conſtables and Sheriffs, and other Officers, are to Execute the Orders and Precepts of the Commiſſioners, appointed to Examine and State the publick Accounts of the Kingdom, by an Act, 2. *W. & M.*

CHAP.

CHAP. V.

The Conſtables Office about Seizing of Cattle, &c.

Conſtables to Seize Iriſh Cattle.

CONſtables, Tithing-men, Headburroughs, Church-Wardens, or Overſeers of the Poor, or any other Perſon, may take and Seize all great Cattle, Sheep, or Swine, or any Beef, Pork, or Bacon, brought from *Ireland*: And that to prevent fraudulent Seizures and Compoſitions, the Seizors ſhall within ſix days after Conviction and Forfeiture, cauſe the ſaid Cattle, Sheep and Swine, to be killed, and the Hides and Tallow ſhall be to the Seizor, and the Remainder to be Diſtributed by the Churchwardens and Overſeers amongſt the Poor of the Pariſh, where any ſuch great Cattle, Sheep, or Swine, ſhall be Imported or found. *Stat.* 18 *Car.* 2. *Cap.* 2. 20 *Car.* 2. *ca.* 7. 32 *Gar.* 2. *Cap.* 2.

Penalty upon Seizor for neglecting his Duty.

The Seizor, Church-warden, or Overſeer, failing in his Duty, ſhall forfeit 40*s.* for every one of the great Cattle, and 10*s.* for every Sheep, or Swine, which ſhould have been ſo kil'ed and diſtributed. One Moiety to the Poor of the ſaid Pariſh, the other to the Informer, to be levyed by Diſtreſs, and Sale of the Offenders Goods, by Warrant from any one Juſtice of Peace, and for want thereof

Commitment for want of Diſtreſs.

thereof the Offender to be committed to Goal for three Months without Bail. 32 *Car.* 2. *Cap.* 2.

Mutton and Lamb to be Seized.

Mutton and Lamb Imported, ſhall be ſubject to the like Seizures, and the Importers and Sellers to the like Penalties, as they are for Importing of Beef, Pork, or Bacon, and ſo it is for all Butter and Cheeſe, which ſhall be Imported from *Ireland.* 32 *Car.* 2. *ca.* 2.

A 2d Seizure may be made.

And Note, That if any great Cattle, Sheep or Swine, which have been Seized, ſhall be found alive in any other Pariſh or Place, they are ſubject to a ſecond Seizure, and to be killed for the benefit of the Seizor, and the poor of the Pariſh or place, in the ſame manner, as is ordered upon the firſt Seizure.

Intermixed Cattle all forfeited.

And if there be any *Engliſh*, *Scotch*, or other Cattle intermixed with *Iriſh* Cattle, They ſhall all be deemed and forfeited as *Iriſh.* 32 *Car.* 2. *ca.* 2.

CHAP

CHAP. VI.

The Conſtables Office about providing Carriages, &c. for the King.

THE Conſtables formerly, by many Statutes, had much to do in taking up Proviſions and Carriages for the King and his Court: But by the Statute 12 *Car.* 2. *Cap.* 24. concerning Proviſions, It is Enacted, That no Pre-emption (that is, a Priviledge of Buying before others) ſhall be allowed the King, or any of his Royal Family, in or out of any Market; but the Subjects may diſpoſe of their Goods as they pleaſe. Nor ſhall any Perſon, by colour of Purveyance, take any thing of any Subject without the Owners aſſent; nor ſhall require any to find Horſes, Oxen, or other Cattle; or Carriages for any King or Queen, &c. without conſent, as aforeſaid. *Pre-emption and Purveyance taken away.*

And if any ſhall make Purveyance, or impreſs any Carriage otherwiſe, one Juſtice and the Conſtable, at the requeſt of the Party grieved, may commit him to Goal, and Indict him next Aſſizes or Seſſions, and the Party grived may by Action recover treble Damages, and treble Coſts againſt the Offender, 12 *Car.* 2. *cap.* 24. *Purveyor committed to Goal.*

Proviſion made for the Kings Carriages in his Royal Progreſs.

This Act confirm'd by 13 *Car.* 2. *cap.* 7. But it being found to be too prejudicial to the King, if the Subjects might not be forced at reaſonable Rates to furniſh the King with Carriages: Therefore by a Statute 13 *Car.* 2. *cap.* 8. It was provided, That the Clerk, or Chief Officer of the Kings Carriages, three Days before His *Majeſties* arrival, ſhould give Notice to the two next Juſtices to the place, to provide ſuch a number of Carts and Carriages, which the Conſtables upon their Warrant are to Preſs and provide, each Cart furniſhed with four able Horſes, or four Oxen and two Horſes, to be paid ſix Pence a mile for every mile they go Laden, to be paid in hand at Lading, and not to go above one days Journy; which if any ſhall refuſe without reaſonable cauſe, he forfeits 40 *s.* to be levied by the Conſtable on a Warrant.

6 d. a mile.

Forfeiture.

And if the Juſtice or Conſtable take any Bribe, to ſpare any fit perſon from ſuch Carriages, or Preſs more Carriages than directed, he forfeits 10 *l.*

Note, this laſt Act is expired, and *primo Jac.* 1. was revived, but was to continue but till the firſt Seſſion of next Parliament, and therefore is now expired.

* *Proviſion for Carriages by Land and Water for His Majeſty's uſe.*

* And by the Statute 14 *Car.* 2. *cap.* 20. two or more Juſtices by Warrant from Commiſſioners of the Navy or Maſter of the Ordinance, are to cauſe Conſtables to provide Carriages for 12 miles round from the place of Lading, who

are

are to have 12 *d.* a mile for every Load of Timber, and 8 *d.* a mile for every Tun of other Commodities; and ſuch as refuſe (being warned) to ſend their Teams, forfeit 20 *s.* But they muſt be paid in hand, and are to Travel no further, nor work any longer than the Juſtices ſhall order. *8 d. a mile.*

Note, this laſt Act was expired, but revived again for 7 years, by an Act 1 *Jac.* 2. and now again almoſt expiring.

See after fo. 143.

CHAP. VII.

The Conſtables Office about Cloth, &c.

CONSTABLES, on requeſt of them made, are to be aiding and aſſiſting to the Wardens and Aſſiſtants, to regulate the Trade of *Worſteds* and other Stuffs, called *Norwich Stuffs*, made within the City of *Norwich*, *Worſteds*, and County of *Norfolk*, 14 *Car.* 2. *cap.* 5. *&c.* *The Conſtables to aſſiſt the Wardens for regulating Norwich Stuffs.*

Likewiſe upon requeſt, they are to be aiding and aſſiſting to the Preſident, Wardens and Aſſiſtants, for regulating the making of *Kidderminſter* Stuffs, within the Burrough and Pariſh of *Kiddemineſter*, by the Act 22 *&* 23 *Car.* 2. *cap.* 8. *Alſo the Wardens for* Kidderminſter *Stuffs.*

Note, The High-Conſtable has a further Power about Clothiers and Spinſters, of which more hereafter, when we ſpeak of the High-Conſtable alone.

CHAP. VIII.

The Conſtables Office about His Majeſty's Cuſtoms, &c.

Conſtables to aſſiſt thoſe that manage his Majeſty's Cuſtoms.

ALL Conſtables, Headburroughs, and other the Kings Officers of the Admiralty, Captains and Commanders of Ships, Forts, Caſtles, and Block-houſes, *&c.* and other the Kings Subjects, are to be aiding and aſſiſting to all and every perſon and perſons, which are or ſhall be appointed to manage His Majeſties Cuſtoms, and if moleſted therefore, may Plead the General Iſſue, 14 *Car.* 2 *cap.* 11.

Conſtables to ſearch for uncuſtomed Goods.

By the Stat. 12 *Car.* 2. *cap.* 19 Sheriffs, Juſtices and Conſtables, are upon requeſt to be aiding to any perſon having a Warrant from the Lord Treaſurer, or any of Barons of the *Exchequer*, or Chief Magiſtrate of a Port, for the Search of uncuſtomed Goods, who (with ſuch Aſſiſtance) may enter into any Houſe in the Day time, where ſuch Goods are ſuſpected to be conceal'd: And in caſe of Reſiſtance, may break open the Houſe, and ſeize and ſecure ſuch Goods.

Houſe may be broke open.

But

But no Houſe ſhall be entred by virtue of this Act, but within a Month after the Offence ſuppoſed to be Committed: And if the Information whereupon any Houſe ſhall be ſearch'd prove falſe, the Party injured ſhall recover full Damages and Coſts againſt the Informer, in an Action of Treſpaſs, 12 *Car.* 2. *cap.* 19. *Falſe Information and Damages recovered.*

This Act confirmed by 13 *Car.* 2. *cap.* 7.

Such as are Authorized by Writ of Aſſiſtance out of the *Exchequer*, are to take a Conſtable, Headburrough, or other Officer, inhabiting near the place, and in the Day time, to enter into any Houſe, Shop, Ware-houſe, &c. And in caſe of Reſiſtance, to break open Doors, Cheſts, &c. and there to ſeize and bring away any Prohibited and Uncuſtomed Goods and Merchandizes, and to ſecure the ſame in His Majeſty's Store-houſe in the next Port, 14 *Car.* 2. *cap.* 11. *Writ of Aſſiſtance.* *Seizure of Goods.*

And the like Proviſion is made by a Statute 1 *W. & M.* for Prohibiting Trade and Commerce with *France*.

Taxes and Aid-Money.

BY an Act 2 *W. & M.* for granting an Aid to His Majeſty of the Sum of 1651702 *l.* 18 *s. viz.* 137641 *l.* 18 *s.* 2 *d.* by the Month, for 12 Months, from 25 *Decemb.* 1690.

Conſtables to diſtrain and break open Houſes, &c.

Conſtables are to aſſiſt the Collectors to Diſtrain, and in the Day time to Break open the Houſes, and (upon Warrant from two or more of the Commiſſioners) the Cheſts, Trunks, &c. where the Goods are of ſuch as refuſe to pay their Aſſeſſments.

How to diſtrain when the Houſes, &c. are occupied.

That where the Lands or Houſes are unoccupied, and no Diſtreſs to be found, and thereby the Pariſh, &c. charged; the Collectors, Conſtable, or Tithingman of the Pariſh, Place, or Conſtablewick, at any time after may enter and diſtrain upon the Lands or Houſes; and the Diſtreſs, being the proper Goods of the Owner of the Lands, &c. if not redeemed within four days, by payment of the Tax and charge of Diſtreſs to ſell, rendring the Overplus; and to diſtribute the Diſtreſs proportionably to the Parties who contributed to the Tax of the ſaid unoccupied Lands.

How to levy the Tax upon Wood-lands.

If Wood-lands be Aſſeſs'd, and no Diſtreſs to be had, the Collector, Conſtable, &c. may by Warrant from two or more of the Commiſſioners of the Hundred, or Diviſion, at ſeaſonable times in the Year, cut and ſell ſo much Wood as will pay the Aſſeſſment behind, and the charge incident thereunto, rendring the Overplus; and the Party to whom it is ſold, may fell, cut down, and diſpoſe of the ſame to his own uſe.

If

If the Aſſeſſment be upon Tithes, Tolls, or Annual Profits, not diſtrainable, and not paid within 15 Days after demand; the Collector, Conſtable, &c. by like Warrant from the Commiſſioners, may ſeize and ſell ſo much of the Tithes, Tolls, or other Profits ſo charged, ſufficient for the Tax and Charges occaſioned, rendring the Overplus, &c. 2 *W. & M.*

How upon Tithes, Tolls and Annual profits.

CHAP. IX.

The Conſtables Office about Diſtreſs for Rent, &c.

WHere any Goods or Chattels ſhall be diſtrained for any Rent reſerved, and due upon any Demiſe, Leaſe, or Contract whatſoever; and the Tenant and Owner of the Goods ſo diſtrained, ſhall not within 5 days (after ſuch Diſtreſs taken, and Notice thereof, and of the Cauſe, left at the Dwelling-Houſe, or moſt notorious Place on the Premiſſes, charged with the Rent diſtrained for) Replevy the ſame according to Law: Then in ſuch caſe the Landlord or Perſon diſtraining, may with the Sheriff, or Under Sheriff of the County, or with the Conſtable of the Hundred, Pariſh, or Place, where ſuch Diſtreſs ſhall be taken

Diſtreſs for Rent reſerved upon Demiſe, Leaſe, or Contract. Notice of the Diſtreſs.

Goods to be Appraiſed, and ſold.

(who are required to be Aiding and aſſiſting, therein) cauſe the Goods and Chattels, to be Appraiſed by two ſworn Appraiſers (whom the Sheiff, Under-ſheriff, or Conſtable are impower'd to Swear) and afterwards ſell the ſame for the beſt price, towards the Rent and Charges of Diſtreſs, Appraiſment, and Sale, leaving the Over-plus in the Sheriff or Conſtables hand, for the Owners uſe, *Stat.* 11 *Maii* 1690. *primo Willielmi & Mariæ.*

Corn and Hay diſtrained for Rent.

And the like may be done as to Sheaves or Cocks of Corn, looſe or in the Straw; or Hay in any Barn or Granary, or on any Hovel, Stack, or Rick, (which before this Act were not diſtrainable.)

Corn and Hay not to be removed till default of Replevin, &c.

But note, That theſe laſt mentioned Goods, &c. are not to be removed from the place where found and ſeized; but to be kept there, as impounded, until the ſame ſhall be replevied within the time aforeſaid, or ſold in default of ſuch Replevin, 11 *Maii*, 1 *W. & M.*

CHAP.

CHAP. X.

The Constables Office about Excise.

EXcise Men (*alias* Gagers) when they intend to enter by Night into the Houses of Brewers, Victuallers, Distillers, &c. to Gage their Coppers, Fats, or Vessels, or take an account of their Beer, Ale, Wort, Perry, Cyder, Strong-Waters, Metheglin, Mead, Coffee, Chocolet, Sherbet, or Tea, Brewed, made or distilled there, are to take a Constable along with them, 12 *Car.* 2. *cap.* 23. 24.

Constables to assist Gagers and Excise-Men.

Note, the Excise of Coffee is now paid in the Berry, &c.

See *primo W. & M.* 25 *Julii*, 1689 concerning Distillers of Strong watres, &c.

Also Constables, &c. upon Warrant to them directed from the Justices of Peace, are to levy the Penalties upon the Goods of the Offenders against the Acts for Excise, by distress and sale thereof, rendring the Overplus; and for want of Distress, to carry the Party to Goal, till satisfaction be made, 12 *Car.* 2. *cap.* 23, 24.

To levy Penalties upon the Offenders against the Acts of Excise.

The Constables are also, from time to time, upon Warrant to them directed, to summon all Alehouse-keepers, &c. to appear before the Commissioners of Excise, at the Days and Places in such Warrants appointed.

To summons Brewers, &c. before the Commissioners.

CHAP. XI.

About Fiſh.

Conſtables are to levy the Penalties upon ſuch as deſtroy the Spawn of Fiſh.

CONſtables and Churchwardens, by Warrant from a Juſtice of Peace, are to levy the Penalties upon ſuch as deſtroy the Spawn and Breed of Fiſh along the Sea-ſhoar, or in any Haven or Creek, or within five Miles of the Mouth of any Haven or Creek, by fiſhing with Nets of a leſs Meſh than three inches and an half betwixt knot and knot, (except for the taking *Smoulds* in *Norfolk* only) or with a Canvas-Net, or other Engin. The Penalty is 10 *s.* to be levied by diſtreſs and ſale of the Offenders Goods.

Note, that in Corporations, the Penalty may be levied by the Head Officers, 3 *Jac. cap.* 12.

To ſearch for Nets and Engins, uſed to deſtroy Fiſh.

Alſo Conſtables, upon Warrants from the Juſtices of Peace in the Counties of *Worceſter*, *Salop*, and *Glouceſter*, are to ſearch for unlawful Nets or Engins (uſed to take Fiſh in the River of *Severn*) in all ſuſpected Houſes, and to ſeize the unlawful Inſtruments, and bring them to the Quarter Seſſions, to be deſtroyed, *Stat.* 30 *Car.* 2. *cap.* 9.

CHAP. XII.

About French Goods, &c. Prohibited.

NOne ſhall ſell, or offer to Sale, export, or import Foreign Bone-lace, Cut-work, Embroidery, Fringe, Band-ſtrings, Buttons, or Needle-work of Thread or Silk, on pain to forfeit for ſelling, or offering to Sale, as aforeſaid, 50 *l.* and the Goods themſelves; and for Importing, 100 *l.* and the Goods imported, the one moiety to the King, the other to him that will ſue in Court of Record. *Conſtables, &c. to ſearch for French Goods imported.*

And the Conſtables, upon Warrant to them directed from the Juſtices of Peace, are to ſearch for ſuch Manufactures in Shops, being open Warehouſes, and Dwelling-houſes, and to ſeize them, *Stat.* 13 & 14. *Car.* 2. *cap.* 13.

By an Act *primo Williel. & Mar.* for prohibiting Trade with *France*, Wines, Vinegar, Brandies, and other liquid Commodities, ſingle or mixt, ſhall be ſtaved, ſpilt and deſtroyed; and Linnens, Silks, Paper, and other Commodities, mixt or unmixt, ſhall be publickly burnt and deſtroyed; And ſuch Perſons as preſume to take up or ſave any of the ſaid Commodities ſo to be deſtroyed, ſhall forfeit 40 *s.* over and above the Value of the Goods. *French Goods to be deſtroy'd.* *Forfeitures.*

And

And the Persons importing, shall forfeit the full value thereof; and the Persons keeping or selling any such prohibited Goods, shall for the first Offence forfeit the full value thereof; for the second, double the value, and be disabled to execute any publick Employment whatsoever. And any person may seize such Goods, in whose custody soever, to the intent they may be destroyed.

Forfeitures.

And every Informer or Prosecuter, that shall by collusion or fraud desist or delay his prosecution for any Offence against this Act, shall upon Conviction forfeit 500 *l.*

Constables to be Aiding.

And all Sheriffs, Mayors, &c. Constables and other Officers, are enjoyned to be aiding in the due execution of this Act, in reference to the Commodities aforesaid.

If any person, not being a known Merchant, Vintner, or Shopkeeper, shall sell or expose to sale any such prohibited Goods, after Conviction in his Majesties Court of Record, shall suffer 12 Months Imprisonment without Bail, above the Penalties aforesaid.

Imprisonment.

Ship forfeited 500 l.

The Ship or Vessel in which they are imported, shall be forfeited, and all the Furniture &c.

And the Master, or other Person, having Care of the Ship or Vessel in the Voyage, or out of which any such Prohibited Goods shall be punshi'd either at Sea or in Harbours, &c. into any Hoy or Boat, shall forfeit 500 *l.* And the Ju-

tices

ſtices may by warrant apprehend him, and upon the Fact proved by two Witneſſes on Oath, may commit him to the next Goal for 12 Months, without Bail or Mainprize. *Impriſonment.*

And the Seamen, Mariners, or any other perſon aſſiſting at the unſhipping or conveying of any the ſaid Commodities, either by Land or Water, ſhall upon ſuch Proof, be ſubject to like Impriſonment, or be publickly Whipt at the diſcretion of the Juſtice of Peace, before whom he ſhall be convicted. *Seamen, &c. Whipped.*

And the Carts and other Carriages, and the Cattle moving the ſame, ſhall be forfeited, one half to the Poor, and the other to the Seizor.

The Conſtables, &c. are (upon Warrant) to Levy by Diſtreſs and Sale of Goods, the Forfeitures of ſuch as ſell Wine by Retail in Glaſs-Bottles, or other Meaſures not made of Pewter, and lawfully Seal'd; *Viz.* 50 *s.* for every Offence; the Conviction to be by Confeſſion, or Oath of two Witneſſes, before one or more Juſtices of the County, City, or Place where, &c. and the Offender to be proſecuted within 30 Days, *Stat. 2 W. & M.* for the better execution of the former Act. *Conſtables to levy the Forfeitures on ſuch as ſell Wine by Retail in unlawful Meaſures.*

And ſuch as beat or abuſe Informers, Officers, &c. in the due execution of this Act, may by the next Juſtice be committed to Priſon till the Quarter-Seſſions, and there be fined, not exceeding 5 *l.* and to remain till he be diſcharged by Order of the Juſtices, or two of them.

CHAP.

CHAP. XIII.

About High-Ways, Hay-Carts and Hogs, Streets and Bridges.

Conſtables &c. to chooſe Surveyors.

THE Conſtables and Churchwardens of every Pariſh, ſhall yearly upon Tueſday or Wedneſday in *Eaſter* Week, call together ſome of their Neighbours, and then make choice of Two within the Pariſh, to be Surveyors of the High-Ways the Year following; who ſhall forthwith take that Office upon them, in pain to forfeit 20 *s.* apiece. The ſaid Conſtables and Churchwardens ſhall then alſo nominate ſix Days betwixt that time *Midſummer*, to be ſet apart for the amendment of the Highways, and ſhall give publick Notice thereof in the Church, the next Sunday after *Eaſter*; *Stat.* 2 & 3 *Phil. & Mar. cap.* 8.

Stat. 5 *Eliz. cap.* 13. 22 *Car.* 2. *cap.* 12.

By *Stat.* 22 *Car.* 2. *cap.* 12. they are to be choſen ſome day in *Chriſtmaſs* Week, by the Conſtables &c.

Fines upon ſuch as make default.

The Stewards in Leets have Power to enquire after the breach of this Act, and to ſet Fines upon ſuch as make default, at their diſcretion; and ſhall within ſix Weeks after *Michaelmaſs*, deliver indented Eſtreats thereof under their Hands and Seals, *viz.* one to the Bayliff or High-Conſtable of the Liberty, and the other to the Conſtables and Churchwardens of the

the Pariſh where the default was made, 2 & 3 *P. & M. cap.* 8.

And in default of Preſentment thereof in Leets, the Juſtices of Peace in Seſſions ſhall enquire thereof, and ſet ſuch Fines as they, or two of them (one to be of the *Quorum*) ſhall think fit, whereof the Clerk of the Peace ſhall deliver indented Eſtreats under his Hand and Seal, within ſix Weeks of *Michaelmaſs*, in manner, as aforeſaid. And theſe Eſtreats of the Stewards of Leets or Clerk of the Peace, ſhall be a ſufficient Warrant for the Bayliff or Chief Conſtable, to levy the ſaid Fines by way of Diſtreſs; and if no Diſtreſs can be found, or the Party do not pay the Fine within twenty Days after lawful demand thereof, he or they ſhall forfeit double ſo much. All which Fines and Forfeitures ſhall be employed towards the amendment of the Highways, 2 & 3 *P. & M. cap.* 8.

The Bayliff, or High-Conſtable, ſhall yearly (betwixt the firſt of *March* and laſt of *April*, render unto the Conſtables and Churchwardens, unto whom the other part of the Eſtreats was delivered, a true account of the Mony received by him, in pain of 40 *s.* And the ſaid Conſtables and the Churchwardens have Power to call the ſaid Bayliff or High Conſtable before two or more Juſtices of Peace (one to be of the *Quorum*) to paſs his Account, who have Power to commit him, untill he ſhall have ſatisfied all the Arrearages by him received, ſave eight

Pence

Pence in the Pound for his own Fee, and twelve Pence in the Pound for the Fee of the Steward or Clerk of the Peace; and in this caſe the ſucceeding Conſtables and Churchwardens have the ſame Power that their Predeceſſors had, 2 & 3 *P. & M.* 8.

The Fines aſſeſſed in Seſſions upon the Statute of 5 *Eliz.* 13. ſhall be Eſtreated by the Clerk of the Peace, levied accounted and employed, as by the Statute 2 & 3 *P. & M.* 8. is provided.

Conſtables to levy Forfeitures in default of the Surveyors.

Upon a Warrant from two Juſtices of the Peace, the Surveyors are to levy by diſtreſs and ſale of Goods, the Forfeitures upon the Statute of 18 *Eliz.* 10. in not ſcowring Ditches, &c. and if the Surveyors neglect to do it within one year after the Offence committed, the Conſtable and Churchwardens ſhall do it, according to the proviſions of the ſaid recited Statutes. *Stat.* 18 *Eliz.* 10.

Conſtable fined for neglecting his Office.

And by a Statute 22 *Car.* 2. *cap* 12. all Conſtables and Surveyors of the Highways, neglecting to put the Acts (touching repairing or enlarging Highways) in execution; or wilfully ſuffering any Waggons or Carts to paſs in any other manner than by this Act is allowed, upon conviction thereof by one Oath before one Juſtice, or the Juſtices own view, ſhall pay ſuch Fine (not to exceed 40 *s.*) as ſuch Juſtice ſhall impoſe.

And

And by this Statute, no Carriage with any burthen (other than ſuch as are employed about Husbandry, and in carrying Hay, Straw, Corn unthreſh'd, Coal, Chalk, Timber for Shipping, Materials for Building, Stones or Ammunition, or Artillery for the King's ſervice) ſhall go in any Highway with above five Horſes in length; and if any Draw with more Horſes or Oxen, they ſhall all draw in Pairs, except one Horſe.

Forfeitures of ſuch as Draw with above five Horſes in length.

And every Owner of any Waggon, Cart, &c. Horſe or Beaſts, ſhall forfeit for every Offence 40 *s.* whereof one Third part to the Surveyors, to amend the Highways; one Third part to the Overſeers for the Poor; and one Third part to him who ſhall diſcover the Offender, to be levied by Warrant to the High-Conſtable, or other Officer.

To be levied by the Conſtable.

The Surveyor upon neglect of any to come and labour, ſhall complain thereof to the next Juſtices, who upon Oath of one Witneſs, ſhall levy for every days labour neglected, without a reaſonable cauſe, 1 *s.* 6 *d.* for every Man and Horſe 3 *s.* and for every Cart with two Men, 10 *s.* for each days neglect.

Penalties upon ſuch as neglect to labour, towards Repairing the Highways.

And if any bring Actions againſt ſuch as act by this Law, they muſt be laid in the proper County, and Defendants may plead the General Iſſue, and recover treble Coſts, *Stat.* 22 *Car.* 2. *cap.* 12.

Note,

The Acts for cleanſing the Streets, &c.

Note, That by an Act 20th. *Decemb.* 2 *W. & Ma.* for Paving, and Cleanſing the Streets in *London* and *Weſtminſter*, the Out-Pariſhes in *Middleſex*, the Burrough of *Southwark*, and other places within the weekly Bills of Mortality, in the County of *Surry*,

Inhabitants to ſweep the Streets before their Doors.

It is Enacted, That every perſon of the Pariſhes in *Middleſex*, *Weſtminſter*, *Southwark*, and weekly Bills of Mortality, are twice in every Week, *viz. Wedneſday* and *Saturday*, to ſweep the Streets before their reſpective Houſes, Walls, and other publick places, that the Dirt may be ready for the Scavenger, upon penalty of 3 *s.* 4 *d.* for every Neglect.

Penalties on ſuch as throw Dirt in the Street.

They are not to throw any Duſt, Dirt, or Filth, in the Streets or Alleys, *&c.* upon penalty of 5 *s.* nor to caſt any filth or Noyſom thing into any publick Sink, Vault, Watercourſe, or common Sower, or High-way, or into any private Vault, or Sink, of any other Perſon, but are to keep it till the Scavenger come, and then deliver it them, upon penalty of 20 *s.* for every Offence.

Keepers of His Majeſties Houſes, &c.

The Keeper of his Majeſties Houſes, Stables, *&c.* And Keepers of Courts of Juſtice, and other publick places, are lyable to theſe Forfeitures.

Hooping and waſhing of Barrels, &c. in the Streets.

They forfeit 20 *s.* who Hoop, Waſh, or Cleanſe any Pipes, Barrels, or other Veſſels, in any Streets, Lanes, or open Paſſages, and they forfeit the like who ſet out any Dung, Soyl, Rubbiſh, or empty Coaches to make or mend, or rough Tim-

Timber, or Stones to be ſawn or wrought in the Streets.

Scavenger every day, except *Sunday*, ſhall bring Carts, *&c.* and give notice by Noiſe, and ſtay a convenient time till Duſt, *&c.* be brought out to them, on Penalty of 40 *s.* for every neglect. *Penalties on the Scavengers.* *Forfeitures.*

All open Streets ſhall be repaired by Houſe-holders, and where the Houſes be empty, by the Owners, upon Penalty to forfeit 20 *s.* for each Perch, and 20 *s.* for every Week after, till ſufficiently paved. *Open ſtreets how to be repaired.* *Forfeitures.*

One Juſtice of Peace or more, where any new Street is made, may view it, and (if judged fit to be paved,) to certify under hand to the next Quarter-Seſſions of the Peace, who are to Order therein as they ſhall think fit; and the Owners of every New-Built-houſe, or Inhabitants, are required to obey ſuch Orders, and the Offenders forfeit Forty Shillings for each Perch, and the like for every Week, till the ſame be paved. *New ſtreets how to be paved.* *Forfeitures.*

This not to invalid any Cuſtom or uſage to the contrary.

The Pariſhes of St. *Ann*, and St. *James*, in the Liberty of *Weſtminſter*, ſhall chooſe Scavengers as by former Acts, and the Rates, and all other things ſhall be according to the Cuſtom and Uſage of the ſaid City, where not otherwiſe in the ſaid Acts provided. *Pariſhes of S. Ann, &c. Rates and other things Cuſtom of the City.*

All

Scavengers how to be Choſen.

All the other Places and Pariſhes, upon *Monday* or *Tueſday* in *Eaſter* Week, by the Conſtable, Churchwardens, Overſeers, Surveyors of the Highways, and ſuch other Inhabitants as are uſually preſent at the Election of Pariſh Officers, or the greater number of them, ſhall make choice of two or more able Tradeſmen to be Scavengers for the Year next enſuing, and until others be choſen, *&c.* who being approved and confirmed under hand of two Juſtices, ſhall within 7 days take the Office upon them, upon pain to forfeit 10 *l.* In which caſe others to be Choſen in manner aforeſaid, within 7 days after ſuch refuſal, who ſhall be lyable to the like forfeitures.

Penalties upon Scavengers refuſing to act.

Conſtables to levy theſe Penalties by Diſtreſs.

The ſaid Penalties to be levyed by Diſtreſs and Sale, by Warrant from one Juſtice of the Place, directed to the Conſtables or other Officers of the ſame Pariſh, or any two or more of them rendring the overplus; reaſonable Charges to be deducted for making the Diſtreſs.

Penalties how to be diſpoſed of.

The ſaid Penalties to be paid to the Surveyors of the High-ways, and diſpoſed of by them towards mending and repairing the High-ways and Streets of the ſame Pariſh, Ward, or Diviſion.

Impriſonment for lack of Diſtreſs.

In default of Diſtreſs, within 6 days after demand, and not paid, or after notice in writing left at the Houſe, to be committed to common Goal, by any Juſtice, to remain until payment.

Within

Within 20 days after the Election and Confirmation of the Scavenger, The Conſtables, Churchwardens, and Overſeers, Surveyors, or the greater number of them, ſhall make a Tax to a pound Rate upon the Inhabitants, which allowed by two Juſtices, and being equal and reaſonable ſhall be Quarterly paid upon demand to the Scavenger.

Conſtables, &c. to make a Tax for the Scavenger, to be paid by the Inhabitants

In caſe of refuſal, ſhall by Warrant of two Juſtices be levyed by Diſtreſs, and for want of Diſtreſs, by Impriſonment till payment.

Diſtreſs. Impriſonment.

Moneys Collected, ſhall be accounted for by the Scavenger to two of the next Juſtices, within 28 days after a new Scavenger Elected.

Scavenger to account.

And what remains in hand, to be paid to the new Scavenger.

Thoſe who refuſe to account, ſhall be committed to Priſon, to remain without Bail, until a true account made, and what in their hands paid, &c.

Refuſal to account and Impriſonment.

For repairing ſeveral High-ways in the ſaid Pariſhes, an Aſſeſment may be made on all Inhabitants, &c. to be allowed by the Juſtices at their Quarter Seſſions, and levyed by ſuch perſons as they ſhall direct: And what raiſed to be employed according to the directions of the Juſtices towards repair of High-ways, and to be levyed by Diſtreſs and Sale, if not paid within 14 days.

Aſſeſſment for repair of the High-way.

Diſtreſs and Sale.

No

Aſſeſſment, what. No ſuch Aſſeſſment ſhall exceed in any one Year, 4 *d.* in the Pound for Real, and 8 *d. per* Pound for Perſonal Eſtates.

Concerning Sewers. Touching new Sewers, Sinks and Vaults made ſince 12 *Car.* 2. they ſhall be ſubject to the Commiſſion and Statute for Sewers, as if they had been therein mentioned: And the Commiſſioners Power touching them is the ſame.

Penalties on ſuch as hang not out Lights. Alſo for Lighting the Streets in the Night, in any of the ſaid Pariſhes or Places, It is Enacted, That every Houſhoulder, from *Michaelmaſs* until *Lady-day* yearly, whoſe Houſe is near the Street, ſhall hang out Candles, or Lights in Lanthorns, every Night on the outſide, from the time it grows dark until 12 in the Night, upon pain of 2 *s.*

On ſuch as ſtay their Carts too long in the Hay-market, &c. None ſhall ſuffer their Cart to ſtand in the Hay-market near *Piccadilly*, or in *Southwark*, or any Place within the Bills of Mortality, loaden with Hay or Straw to ſell, from *Michaelmaſs* till *Lady-day*, after Two of the Clock in the Afternoon; and from *Lady-day* till *Michaelmaſs*, after Three of the Clock, in pain of 5 *s.*

How much Truſſes of Hay muſt weigh. Every Truſs of Hay between the 1*ſt.* of *June* and 31*ſt.* of *Auguſt*, being new Hay, ſhall weigh 60 pound, old Hay 56 Pound: And thoſe that after the 15*th* of *Decemb.* 1690, ſhall offer to ſell Hay of leſs Weight, ſhall forfeit for each Truſs 18 *d.*

The

The Conviction of these Offences, to be either by the View of one Justice, or Confession of the Party, or one Witness upon Oath. The Penalties of all the said Offences to be levied by distress and sale, by the Constables or Headburroughs, upon Warrant under Hand and Seal of one Justice, rendring Overplus.

Constables, &c. to levy the Penalties of these Offences.

In default of Distress, or Payment, within six Days after demand or notice, left by the Constable, &c. at the Offenders House, Offender is to be Committed to the common Goal by Warrant from one Justice, to remain until payment.

Imprisonment for lack of Distress.

The Forfeitures to be disposed, one moiety to the Overseers for the Relief of the Poor of the Parish where the Offence is committed; the other, to him or them that shall discover and prosecute for the same, in case the conviction be by discovery and prosecution. But if by View of the Justice, &c. then the whole to the Poor, unless and if for a default of Payment; then one moiety to be towards the repairing and clansing the Streets, to be paid to the Scavengers.

Forfeitures, how to be disposed.

And Note by this Act, the Wheels of Carts, Carrs, and Drays, used for Carriage from place to place in the Cities of *London* and *Westminster*, and Parishes aforesaid, where the Streets are Paved, shall contain six Inches in the Felley in breadth, without any Iron-work, and to be Drawn only by two Horses, after they are up the Hills from the Water-side, upon Penalty of 40 *s.* every

Penalties on such as make the Wheels of their Carts, contrary to the Statute.

every time, to be levied, as aforesaid: But this Act not to extend to Country Carts, or Waggons, bringing Goods to the Cities or Places aforesaid; or that shall carry any Goods half a mile beyond the Paved Streets of the said Cities and Places.

Forfeitures on Hog-Keepers in London, Westminster, *&c.*

And note further, That no Person in *London*, *Westminster*, *Southwark*, or the Parishes aforesaid, shall breed, feed or keep any sort or manner of Swine within any part of the Houses or Backsides of the Paved Streets, where the Houses are contiguous, upon pain of forfeiting them to the Churchwardens and Overseers of the Poor of the Parish, for the use of the Poor.

The Swine, &c. forfeited.

Constables, &c. may search and seize such Swine.

The Constable, Churchwardens, Chapelwardens, Overseers, Beadles, Headburroughs, or Tithingmen of the respective Parishes, &c. or any of them, may by Warrant from the Mayor, of *London*, or any other of his Majesties Justices of the Places respectively, search to find such Swine, and to seize and sell them; and to deliver the Mony to the Churchwardens or Overseers, to be distributed to the Poor, as they shall think fit.

London *Streets, how to be cleansed and kept.*

And for cleansing and keeping clean the Streets, Lanes, and Passages of *London*, and the Liberties thereof, It is Enacted, That the same shall be ordered and managed, and Rates and Impositions laid and levied, and all others ways and means used and observed, acccording to the ancient usage and custom of the said City.

The

The Lord Mayor, or any Alderman of the City, upon his own proper knowledge and view may preſent in open General Seſſions, the laying of any Aſhes, Soil, Duſt, or Rubbiſh, or other nuſance or obſtruction in the Streets, Lanes, or Paſſages: And the Lord Mayor and Juſtices at the Seſſions, may thereupon immediately aſſeſs Fines, not exceeding 20 *s.* for any one Offence; and the Fines ſhall be levied and paid to the Chamberlain of the City, for the uſe of the City, to be employed in the publick Payments of the ſame City.

Nuſances there preſented.

Fine aſſeſſed and levied.

And ſuch as ſhall be Proſecuted for acting by virtue of this Statute, or the Statute made 23 *Car.* 2. for the better Paving and Cleanſing the Streets and Sewers in and about the City of *London*, may plead the General Iſſue, and give the ſaid Acts, or either of them in Evidence, 2 *W. & M.*

General Iſſue pleaded, and Acts given in Evidence.

Four Juſtices are authorized to allow a Tax, for Repair of any decay'd Bridges in the High-way; which muſt be aſſeſſed by the Conſtable, and two of the ſufficienteſt Inhabitants in the Pariſh.

Tax for Repair of Bridges in the High-ways.

But this is where a Common Bridge in the Kings Highway is in decay, and that it cannot be proved, who, nor what Lands are chargeable to the Repairing thereof, *Stat.* 22 *H.* 8. *cap.* 5.

CHAP. XIV.

About Horſes.

Conſtables to meaſure Stoned-Horſes.

CONſtables have ſomething to do in aſſiſting ſuch as ſeize (for any Man may ſeize) Ston'd-Horſes of leſſer ſtature than is allowed by the Statute, and to meaſure the ſame; viz. any Ston'd-Horſe being Two years old, and not Fifteen Hands high, from the lower part of the Hoof to the upper part of the Wither, on pain of 40 *s.* between the King and Proſecutor, ſuch Horſes being put to feed upon Foreſts or Commons, (Except Commons where Mares are not uſually kept,) *Stat.* 32. H. 8. 13. 8. *Eliz. cap.* 8.

But if ſuch Horſes make an Eſcape into a Common, he is not to be queſtioned.

Fen-Grounds of the Iſle of *Ely*, and of the Counties of *Cambridge*, *Huntingdon*, *Northampton*, *Lincoln*, *Norfolk* or *Suffolk*, are excepted, and there the Horſes need be but 13 Hands high. *Ibid.*

And to aſſiſt at the Driving of Foreſts.

Conſtables alſo are to aſſiſt at *Michaelmaſs*, or within 15 days after, to drive Foreſts and Common Grounds, on pain of 40 *s.* And they may alſo drive them at any other time; and ſo may the Keepers and Owners of the Ground, 32 H. 8. 13.

This Act extends not to *Cornwall.*

CHAP.

CHAP. XV.

About Hunters and Hunting-Dogs, &c.

CONſtables, &c. upon a Warrant under the Hands and Seals of two or more Juſtices of the Peace, have Power to ſearch the Houſes of Perſons ſuſpected, and not qualified to keep Setting-Dogs, or Nets, Snares and Engins, to take Pheaſants or Partridges, *&c.* and may take away their Dogs, and cut their Nets, &c. *Stat. 7 Jac. cap.* 11. 22 *&* 23 *Car.* 2. *cap.* 25. *Conſtables to ſearch for Dogs, Nets, Snares, and Engins.*

Alſo to levy upon a Warrant from a Juſtice by Diſtreſs, the Forfeiture of ſuch as courſe, kill, hurt or take away Deer, Conies, &c. in Parks, Warrens, or other Grounds, where they are kept, 13 *Car.* 2. *cap.* 10. 22 *&* 23 *Car.* 2. *cap.*5.

See *Wingate's* Abridgment, Tit. *Hunters* and *Hunting.*

CHAP. XVI.

About Malt.

Conſtables to view and ſell Malt badly made.

CONſtables and Bayliffs of Towns ought to view and ſearch the Malt there made or put to ſale; and if they find any ill or deceitfully made or mingled, they may with the Advice of any one Juſtice of Peace, cauſe the ſame to be ſold at ſuch Rates as the Juſtice ſhall think fit.

When Malt may be ſaid to be badly made.

And therefore obſerve, That Malt is ſaid to be ill made, and deceitful, if in the making thereof it be not in the Fat-floor, ſteeping and drying three Weeks at the leaſt; (Except in *June*, *July* or *Auguſt*, and then 17 days may ſerve): Alſo when by Rubbing, Treading and Fanning, the Makers have not taken out of every Quarter half a Peck of Duſt or more; (for which neglect he forfeits 20 *d.* a Quarter, for every Quarter thereof ſold) Or if it is made of Mow-burnt or ſpired Barly, or mixed good and bad together; (for which mixing the Seller forfeits 2 *s.* for every Quarter thereof ſold) and theſe Forfeitures are to be divided betwixt the King and the Proſecutor, and the Proſecution muſt be within one Year.

Forfeitures.

But this extends to such as make Malt for their own provision, *Stat.* 2 *Ed.* 6. *cap.* 10. 21 *Jac.* 1. *cap.* 28.

See *Dalton's Just. Peace*, fo. 87.

CHAP. XVII.

About Physicians.

CONstables and other Officers in *London*, and within seven Miles round, are to be Aiding and assisting to the President of the College of Physicians; and all Persons authorized by the said College, for the due execution of the Laws and Statutes relating to the said College, *Stat.* 1 *M. Parl.* 1. *Sess.* 2. *cap.* 9. 14 *H.* 8. *cap.* 5.

Constables to aid the College of Physicians.

CHAP. XVIII.

About the Plague.

Conſtables to puniſh ſuch as being Infected, go abroad.

IF the Conſtable Command any Perſon infected with the Plague (from which the Lord in mercy deliver us) to keep his Houſe, and notwithſtanding ſuch Perſon ſhall wilfully go abroad and converſe in Company, having any infectious Sore on him, it is accounted Felony in ſuch infected Perſon ſo to do; and tho' he ſhall have no Sore appear about him, he may for his Offence, by the Appointment of a Juſtice of Peace, be puniſhed as a Vagabond, and alſo bound to his Good Behaviour for a Year.

To Levy Monies for the Relief of the Poor Infected.

Alſo the Conſtable, or other Officer, which wilfully neglects to Levy the Tax, as ſhall be appointed by the Juſtices or Head Officers, for the Relief of the Poor infected with the Plague, forfeits for every Offence Ten Shillings, *Stat.* 1. *Jac.* 1. *cap.* 31.

CHAP.

CHAP. XIX.

About Quarter-Monies for Maimed Soldiers, &c.

CONſtables and Churchwardens are to levy by diſtreſs and ſale all Monies rated on any Perſon, within their reſpective Limits, for the Relief of poor maimed Souldiers and Mariners, and are to pay it to the High Conſtables, upon the forfeiture of 20 *s.*

Conſtables to Levy Monies for Relief of poor Maimed Soldiers.

Quartering Soldiers.

NOte, That Conſtables, Headburroughs, and other Chief Officers of Towns and Villages within *England*, *Wales*, and *Berwick*, and no others are to Quarter and Billet Officers and Soldiers in His Majeſty's Service in Inns, Livery-Stables, Ale-houſes, Victualing-houſes, and all Houſes ſelling Brandy, Strong-Waters, Cyder, or Metheglin by Retail, to be drunk in their Houſes, and no other; and in no private Perſons whatſoever.

Soldiers, how to be Quarter'd.

And if any Conſtable, &c. ſhall Quarter Soldiers upon any private Houſe, without conſent of the Owner, he ſhall be liable to the parties Action for Damage.

If any Military Officer ſhall take upon him to Quarter Souldiers otherwiſe, or abuſe the Mayor, Conſtable, &c. or menace them to diſcouragethem in their Duty, by this Act, ſuch Military Officer ſhall be *Ipſo facto* caſhierd.

Note, The Conviction by two Witneſſes before two Juſtices of the Peace or more next adjoyning, are to pay it to the High-Conſtables upon the forfeiture of 20 *s.*

For Relief of Priſoners They are alſo in the ſame manner to Levy ſuch Rates as are made for the Relief of the Priſoners in the *Kings-Bench*, and *Marſhalſeas*, and alſo of Hoſpitals and Alms-Houſes, and for Relief of the Poor in their County, and this they muſt likewiſe pay to the High-Conſtables, on forfeiture of 10 *s.* *Stat.* 43 *Eliz. cap.* 3.

See after in the Duty of *High-Conſtables*, Chap. 22.

CHAP.

CHAP. XX.

About Tobacco.

THE Acts for preventing Tobacco Planting, being expiring were revived 19. *Maii*, 1 *Jac.* 2. for 7 years, and thence to the end of the next Seſſion. And by theſe Acts, all Sheriffs, Juſtices, Conſtables, *&c.* upon Information, that there is any Tobacco ſet, ſown, or planted, or growing within their Precincts, are within 10 days to cauſe the ſame to be Burnt, Pluckt up, or deſtroyed, except it be in a Phyſick Garden, or in other private Garden, and not exceeding one half of a Pole, in any one place or Garden. 12 *Car.* 2. *cap.* 34. *Tobacco planted, &c. to be deſtroyed by the Conſtables, &c.* *Exceptions.*

Perſons reſiſting the Officers, forfeit 5 *l.* and may be committed till they enter into Recogniance with Sureties, not to do the like again. *Ibidem & Stat.* 15 *Car.* 2. *cap.* 7. *Forfeiture and commitment.*

The Conſtables are alſo upon Warrant, to ſearch and preſent at the next Quarter Seſſions, the ſaid Offence of ſowing, planting, or making Tobacco, and their Preſentment ſhall be a Conviction, except the party Traverſe the ſame. *Stat.* 22 & 23 *Car.* 2. *cap.* 26. *Preſentment and Conviction.*

Conſtables forfeiture. And by this laſt Stat. Conſtables, Tythingmen, *&c.* are within 14 days after Warrant, from two Juſtices, to deſtroy all Tobacco planted, or growing in any Ground, upon forfeiture of 5 *s.* for every Rod unconſumed, and ſo proportionably betwixt the King and Proſecutor.

Forfeitures of perſons Reſiſting. Perſons Reſiſting, ſhall forfeit 5 *l.* to be Levyed by Diſtreſs and Sale, or be committed for three Months, and ſuch as refuſe to aſſiſt the Conſtable upon Conviction before two Juſtices, forfeits 5 *s.* or to be Committed for a Week. 22 *&* 23 *Car.* 2. *Cap.* 26.

Exceptions. Phyſick Gardens, and Gardens for Chyrurgery are excepted: The Officers and Aſſiſtants being ſued hereupon, may plead the General Iſſue, and give the ſpecial matter in Evidence. *Ibidem.*

CHAP.

CHAP. XXI.

About Weights and Meaſures.

Where common weights, &c. ought to be kept.

IN every City, Burrough, and Market Town, there ought to be common Weights and Meaſures ſealed, at which the Inhabitants may freely weigh, and the chief Officers of ſuch places, whether they be Conſtables, Bayliffs, *&c.* are upon requeſt to mark and ſign ſuch Weights and Meaſures to any of the Kings Subjects, taking for the marking of every Buſhel one Penny. *Stat. 8. H. 6. ca. 5. Stat. 11. H. 7. cap. 4.*

Weights to be marked.

Conſtables to ſearch for, ſeize and break unlawful Meaſures.

And Conſtables are required to ſearch and examine, if any buy or ſell by any other Buſhel than *Wincheſter* meaſure, which contains 8 Gallons to the Buſhel or Strike, and ſealed by the Clerk of the Market; and if any perſon doth not ſtrike the ſame even with the brim; and any Conſtable may ſeize and break ſuch other Meaſure, and preſent the Offender at the next private or Quarter Seſſions. *Stat. 22. Car. 2. cap. 8.*

CHAP. XXII.

The Power and Duty of a High Conſtable alone, as it is limited to him in particular.

High Conſtables duty about Clothiers, &c.

THE High Conſtable, or Conſtable of the Hundred, may hear and determine the Complaints of Clothiers, Drapers, their Carders, Spinners, and other Labourers. For by the Stat. 4 *Ed.* 4. *chap.* 1. Clothiers and makers of Cloath, are to pay their Carders, Spinners, and other Labourers in ready mony, and not in little Wares, or other things, upon pain to forfeit three times ſo much as their Wages. And they muſt deliver them their Wool by due weight, and the Carders, Spinners, Fullers, Dyers, Sheermen, and other Labourers, muſt do their work faithfully, upon pain of forfeiting double damages; and the High-Conſtable may upon due examination of the Parties, determine the Duties, Forfeitures, and Damages, and upon Non-payment of the ſame, may commit the Party to the Goal, till payment be made.

Forfeitures.

Commitment.

High Conſtables to ſearch, ſeize and ſell Tenters, &c.

The High-Conſtables are alſo impowered to enter into any place, to ſearch for any Tenters, Ropes, Rings, Headwrenches, or other Engins for ſtretching of Cloth; and if they find any, to deface them

them, and if the Owners ſhall afterwards make uſe of them, the High-Conſtables, may ſeize and ſell them, and diſtribute the mony to the poor. *Stat.* 39 *Eliz. cap.* 20.

It is alſo the Duty of the High-Conſtables, to pay over to the Collectors, appointed by the Juſtices at the Quarter Seſſions, what Mony they receive from the Churchwardens, aſſeſſed on any Pariſh for the Relief of poor Priſoners, and this they muſt do on the penalty of 5 *l.* *Stat.* 14 *Eliz. cap.* 5. *Conſtables to pay over the moneys, for the Relief of poor Priſoners. Penalty.*

And they are to pay over as aforeſaid, what moneys they ſhall ſo receive for the Relief of poor Priſoners, in the *Kings-Bench* and *Marſhalſeas*, under pain of 20 *s.*

And ſo of moneys received for the Relief of maimed Soldiers, and Mariners, upon pain of 40 *s.* *Stat.* 43 *Eliz. cap.* &c. 3. *Maimed Soldiers,*

See before Chap. about Diſtreſs, Highways, Quarter-moneys, *&c.*

CHAP.

CHAP. XXIII.

Concerning the CONSTABLES *of* London.

Difference between London *Conſtables and others.*

THere is ſome difference both in the Election, Oath, and Office, of theſe Conſtables, and the Conſtables before treated of, though their Office in common extend to ſuch things as are generally ſpoken of before; yet by Cuſtom and Acts of Common Council, there are ſome particulars wherein they vary: And therefore obſerve,

Freemen.

That ſuch as may be Conſtables in *London*, are to be Freemen of the City.

Conſtable of the Ward.

This City is divided into 26 Wards, and every Ward into 26 Pounds or Precincts, and for every Precinct there is a proper Conſtable.

How theſe Conſtables are appointed.

Theſe Conſtables are nominated and repreſented by the Inhabitants of the Pariſh, or Precinct, in the Veſtry; and on S. *Thomas*'s Day, at the Wardmote (if thought fit) confirmed, or elſe excuſed, and another appointed in his place.

On S. Thomas's *Day.*

Twelfth-Day.

After they are approved and confirmed at the Wardmote, they are to appear in *Guild-Hall*, at the Court of Aldermen, there holden on *Monday* next after *Twelfth* Day, to be ſworn. See *Calthorps Reports, page* 129.

How Sworn.

The

The ſubſtance of their Oath is,

First, To keep the King and Queens Peace to their power. *The Oath.*

Secondly, To arreſt ſuch as make Affrays, Riots, Conteſts, or Debates in breach of the Peace, and to lead them to the Houſe or Counter of one of the Sheriffs, and in caſe of Reſiſtance, to make Outcry on them, and to purſue them from Street to Street, and from Ward to Ward, till they be arreſted.

Thirdly, To ſearch (at ſuch times as they ſhall be thereunto required, by the Scavengers or Beadles) the common Noyſance of their reſpective Wards, and upon the like requeſt, to help the Beadle and Raker to gather their Salary and Quarterage.

Fourthly, To preſent to the Mayor and Miniſters of the City, ſuch Defaults and Things as in their reſpective Wards, are done againſt the Ordinance of the City.

Fifthly, To certify to the Mayor and Common Council of the City, the Names of ſuch perſons that let or hinder theſe Conſtables in the doing their Office.

Sixthly, To certify and ſhew, (once at the leaſt in every Month) to one of the Clerks of the Mayors Court, and in the ſame Court, the Names and Surnames of all Freemen, which they know to be Deceaſed, within the reſpective Pariſhes where ſuch Conſtables Inhabit; and alſo the Names and Surnames, of all the Children of all ſuch Freemen ſo Deceaſed, being Orphans of the City.

Note,

Deputy hired. Note, It is allowed, that ſuch Perſon as is nominated and choſen for this Office, may hire a Deputy to ſerve in his ſtead; and if the Deputy be thought fit and duly

Deputy Sworn. qualified for the Place, he is to be Sworn, and muſt anſwer for his own Defaults.

The Arms of the King and the City. Such as are choſen and admitted to the Office of Conſtable in *London*, are obliged to put the Kings Arms, and the Arms of the City over his Door or (if he live in an Ally) at the End of the Ally towards the Street, to ſignifie, that a Conſtable lives there.

The extent of a London Conſtables Authority, as to Warrants, &c. Note alſo, That a Conſtable of *London*, hath power to ſerve Warrants, and execute his Office (if required) throughout the whole City.

** To certifie Names and Dwellings.* * It appears by the Articles of the Wardmote Inqueſts, That every Conſtable is from time to time, to certifie to that Inqueſt the Name, Surname; Dwelling-place, Profeſſion and Trade of every Perſon, who ſhall newly come to dwell within his Precinct, and to make and to keep a perfect Roll thereof.

Alſo to ſearch and enquire, at leaſt once a Month, what Perſons be newly come to lodge and ſojourn there: And if he find by their own Confeſſion, or by the Record of any of the Books of any Alderman of the City, That ſuch new Comers are Indicted, or caſt out of any other Ward for their bad Life and Diſturbance, and refuſe to find Sureties for their good Behaviour, they, and their

Land-

Landlords, or Receivers, are to have Warning, that they depart, and if they refuſe to depart, they may be Impriſoned, and their Landlords Fined to as much, as he was to have Rent for one Year, for his Houſe or Room ſo ſet to theſe new Comers, *Calt. Rep.* 138. *Warning to depart.* *Impriſonment.* *Fine.*

The Common Priſons for Offenders in *London*, are *Bridewell* and the *Compters*; to the laſt of which the Conſtables may ſend ſuch Perſons as are taken upon the Watch abroad late at Night, and appear unruly or ſuſpicious. *The Common Priſons of London.*

And as to keeping the Watch in this City, you may obſerve, That in every Ward there are a certain number of Watchmen appointed by Act of Common Council: And by Cuſtom, all the Conſtables in each Ward attend by Turns, one every Night, according to his Turn, to go the Rounds, and take care of ſuch other things as belong to his Office. *About keeping Watch in the City.*

And the Conſtable and Beadle, every Night, are to warn ſuch Perſons as are to Watch in their ſeveral Precincts; and if thoſe Warn'd do not appear, the Conſtable uſually appoints Hired men in their ſteads, who are to pay the Conſtable therefore, according to the Cuſtom of the City; and if they Refuſe to pay, the Lord Mayor will compel them.

CHAP.

CHAP. XXIV.

Of the Duty and Office of Churchwardens.

Churchwardens, how choſen. THeſe Officers are very Ancient, and are to be choſen in every pariſh yearly, by the Conſent of the Miniſter and Pariſhioners in *Eaſter-Week*. If the Miniſter and Pariſhioners cannot agree in their joint Choice, then the Miniſter may chooſe one and the Pariſhioners another, *Book of Canons*, 1 *Jac.* 1. *An.* 1604.

Cuſtom. But this Canon ſhall not prejudice a Cuſtom to chooſe otherwiſe.

Their Care. Theſe Officers are to take care for the providing and preſervation of the Goods of the Church; as the *Books*, *Communion Plate*, and other decent Ornaments and Furniture of the Church, during their Office.

How they may Purchſe, &c. And they may by the Name of *Churchwardens*, purchaſe moveable Goods or Chattels; and alſo ſue or be ſued, for or about ſuch Goods, for the uſe and benefit of their Pariſh, 12 *H.* 7. fo 27.

Action for taking Goods out of their poſſeſſion. And if they be once poſſeſſed of any Goods or Ornaments belonging to the Church, and any perſon ſteal them, take them away or abuſe them, they or their Succeſſors may have their remedy at Common Law by Indictment or Action,

Action, as there is occaſion, and recover to the uſe of the Pariſh.

But if things be given to the Church-wardens by Will, as Mony, or other moveable things, of which they never had poſſeſſion, they have no way to recover them, but in the Spiritual Court, or in Equity. *Equity for Goods given, where of they had no poſſeſſion.*

See 3*d part* of *Cook's* Rep. *Hadman's* Caſe, *Kitchin* p. 277. *Finche's Law* l. 2. c. 17.

Neither can they preſcribe to have Lands to them and their Succeſſors. *Preſcription for Lands.*

If a Man make and ſet up a Pew in the Church, or hang up a Bell in the Steeple, they thereby become Church Goods, (tho' he do not expreſly give them to the Church) and he, nor his, nor any other may afterwards take them away; but the Churchwardens may ſue him or them that do it, 10 *H.* 4. fo. 9. *Kitch.* p. 277. *A Pew built in the Church* &c.

Yet they have no ſuch property in the Goods of the Pariſh, as that they can give, ſell, releaſe, hurt or impair them; but if they do, the Pariſhioners may elect New ones before the Year be out, and the New ones may have an Account againſt the others, 2 *Ed* 4 fo. 7. *They may not impair the Goods of the Pariſh.*

If the Organs be taken out of the Church, the Churchwardens may have an Action of Treſpaſs for the ſame though the Vicar took them; becauſe they belong to the Pariſhioners, and not to the Parſon: As was Adjudged in the Kings Bench, *Trin.* 12 *Jac.* 1. *Organs.* *Action.*

But

For Eſtate of Lands, &c. the Vicar, &c. muſt bring the Action.

But as touching any Eſtate of Lands, or Profits of any Lands, the Churchwardens cannot intermeddle; and if any Perſon Break the Walls, Windows, or Doors of the Church, eat up the Graſs, or cut down the Trees in the Churchyard; the Parſon or Vicar, and not the Churchwardens muſt have the Action, 8 *H.* 6 fo. 9.

Prohibition granted.

If the Churchwardens proſecute Cauſes in the Spiritual Court, which are meerly Temporal, Writs of Prohibition will be granted againſt them, *Roll*'s Caſes 2*d part*, 286, 287, 289.

About the Seats in the Church.

To Repair the Seats in the Church.

THe Churchwardens are to Repair the Seats in the Church; but the Ordinary or Biſhop of the Dioceſs ought of common Right, to place or diſplace ſuch as ſhall ſit therein.

Preſcription for Seats.

Except ſuch Seats in Chapels, as belong to Noble-men; and ſuch other Seats, as any Perſon can preſcribe to ſit in by reaſon of his Eſtate, deſcended from his Anceſtors, &c. But then he muſt preſcribe, That he and his Anceſtors, whoſe Eſtate he hath, had uſed to Repair ſuch Seat, &c. and to ſit there, *Roll*'s Caſes 2*d part*, fo. 288.

To Repair the Body of the Church, &c

Theſe Churchwardens alſo, by the Common Law, are to ſee to the Repairs of the Body of the Church and Steeple; but the Chancel is to be Repaired by the Parſon.

Parſon. And the Churchwardens are not bound to Repair any part of the Church or Iſle, which any man claims by Preſcription, to him or his Houſe. *Preſcription.*

Alſo they are to take care, That the Church and Church-yard be kept clean and decent. *Church-yard.*

Alſo, to provide Books of Common-Prayer, Books of Homilies, a Parchment-Book for Regiſtring Chriſtnings, Weddings and Burials. *To provide Ornaments and other Requiſites.*

Alſo Fonts, Pulpits, Tables, Alm-Cheſts, Communion Cups, and other Ornaments and Furniture requiſite; and a Cheſt with three Locks and Keys wherein to keep the ſame.

Alſo Bread and Wine for the Sacrament, according to the number of the Communicants, 37 *H.* 6. 30. 12 *H.* 7. 10.

Now for defraying the Charges of theſe things, the Churchwardens (with the aſſent of the Major part of the Pariſhioners), uſually impoſe Rates upon the Pariſh. *Churchwardens make Rates, &c.*

But its ſaid, That if the Pariſhioners (upon publick Notice for that purpoſe given them) do not aſſemble, the Churchwardens and Overſeers of the Poor, or the greater part of them, may make the Rate.

See 5 *Co. Rep.* fo. 65.

But here Note, That perſons are chargable towards the Reparations of the Church, in reſpect of their Lands. *How the Pariſhioners are chargeable.*

And

And toward the Church Ornaments, and other Requiſites for Worſhip and Service, in reſpect of their Dwelling, or Habitation, or Perſonal Eſtate.

See *Roll's* Caſes 2*d part*, fo. 291.

Theſe things hereafter mentioned, are accounted Church Reparations; viz.

What are accounted Church-Reparations.

The Walls of the Church, and Church Steeple.

The Church-yard Walls, of Stone or Brick, &c.

The Windows, Iron-Bars and Glaſs.

The Roof of Timber, with Laths, Nails, Priggs, Dogs and Bolts of Iron.

The covering of Lead, Tiles, Slates, or Shingles.

The Floor with Stone, or Paving-Tile.

The Doors with Locks and Keys, Stairs, Floors, Bells, Wheels and Ropes in the Steeple.

The Pulpit and the Pews (or Seats, not made by Private men by Cuſtom.)

Land Rate. All theſe are to be done by Land-Rate, though the Occupier of ſuch Lands live in another Pariſh.

Theſe things hereafter mentioned, are accounted Church Reparations; viz.

What are accounted Church Ornaments, &c.

The Communion-Table, and Coverings thereof.

The Communion-Cups, the Bread and Wine.

The

The Bible, and other Books appointed to be kept in Churches.

The Surplice, Pulpit-Cloth and Cushion, Washing the Communion-Cloaths and Candles.

The Clerks and Sexton's Wages, and the Expences of Church-wardens and Sidesmen, about the necessary Affairs of the Parish.

And all these are to be Rated upon the Inhabitants of the Parish, and not on Out-dwellers. *Out dwellers.*

Churchwardens are to make Presentments according to the Articles delivered them, and according to the Canons. Presentments.

They are to see, That all their Parishioners resort to Church Sundays and Holydays. *That the Parishioners resort to Church.*

They are not to permit any to stand idle, Walk, or Talk in the Church-yard, &c. *Can.* 19.

Vide the late Act of Indulgence, &c. *vide antea.*

They are to suffer no Plays, Feasts, Drinkings, &c. or other profane Usage to be kept in the Church, Chapel, or Church-yard; nor the Bells to be Rung without good cause, to be allowed of by the Minister and themselves. *Can.* 88. *To suffer no Plays, &c. in the Church.*

They are to suffer no man to Preach within their Churches or Chapels, but such as shall shew their Licence, and also to see that the Peace be duly kept in the *Licence to Preach.*

Con-

Excommunicated Perſons. Congregation; and that all Perſons Excommunicated be kept out of the Church, *Can.* 50, & 85.

Church-wardens to Account. At the end of their Year, or within one Month after, they are to give a juſt Account of what they have received and diſburſed, and to deliver up what Money, or other things belonging to the Church, they have remaining in their hands, to their Succeſſors by Bill Indented: And if they refuſe ſo to do, they may either be Preſented at the next Viſitation Court; or elſe the ſucceeding Church-wardens may have an *Action of Account.* Action of Account againſt them for the ſame at Common Law: But they ſhall *Allowances.* be then allowed all neceſſary Diſburſments and Expences about the Affairs of the Pariſh, *Can.* 89. 8 *Ed.* 4. fo. 6.

In ſome Caſes, Churchwardens are joyntly concerned to act with other Officers, or equally impowr'd with them.

In what Acts Church-wardens muſt joyn with Conſtables Firſt, They are to joyn with Conſtables, in Apprehending ſuch perſons as Diſturb Miniſters, in levying Forfeitures for Swearing or Curſing; or for killiug Hares, Pheſants, or Partridges.

As likewiſe for Tipling and Drunkenneſs, Profaning the Sabbath, deſtroying Fiſh unlawfully, levying 12 *d.* for not coming to Church every Sunday, &c.

Alſo in making Rates for maimed Souldiers or Mariners, and conveying Priſoners to Goal; ſeizing *Iriſh* Cattle, receiving Rogues

Rogues brought to them and passing them away.

In Choosing Surveyors, and appointing Days for Working in the Highways, &c.

Which things are before set forth in the Office of the Constable.

Secondly, They are to joyn with the Overseers of the Poor in the Execution of their whole Office, and have an equal Authority and Charge with them therein. The Particulars whereof are set down in the next Chapter. *In what Acts they must joyn with the Overseers of the Poor.*

CHAP. XXV.

Of the Office and Duty of the Overseers of the Poor.

THese Officers are Yearly appointed, chosen, and made by two or more of the Justices of the County, (whereof one must be of the *Quorum*) dwelling in or near the Parish for which they are Elected. *Overseers, how appointed.*

The Justices therefore are yearly under their Hands and Seals, at *Easter*, or within a Month after, to appoint two, three, or more substantial Housekeepers to be Overseers of the Poor; and if the Justices make default in such Appointment, *Their number.*

every Juſtice of that Diviſion forfeits 5 l. *Stat.* 43 *Eliz. cap.* 2. *Dalton Juſt. P.* fo. 93.

They are joyn'd to the Church-wardens.

Theſe Officers ought to be ſubſtantial Perſons, having Wealth, Wiſdom, and a good Conſcience, *Dalt.* fo 93 and are to be joyned and aſſiſtant to the Church-wardens of the Pariſh, in the Overſight and Ordering of the Poor of the Pariſh.

Their Actings to be allow'd by two Juſtices.

And to that end, the Major part of theſe Overſeers and Churchwardens, may (without the reſt) do any thing belonging to their Office: Yet nevertheleſs they ought to have the Allowance of two Juſtices (whereof one to be of the *Quorum*) to every thing they do.

To meet in the Church once a Month.

Theſe Officers of Overſeers and Churchwardens, are once a Month to meet in the Church, on Sundays (after Evening Prayer) to conſider and adviſe together of Matters belonging to their Office, and to uſe their utmoſt diligence in the executing thereof on the Penalty of 20 *s.* for every Default; But ſuch as have juſt cauſe of Abſence allowed of by two Juſtices, may be excuſed, *Stat.* 43 *Eliz. cap.* 2.

Penalty.

Church-wardens Authority equal with theirs.

And by this it appears, That the Churchwardens have an equal Power and Charge with the Overſeers, and may be puniſhed for their neglect or refuſal to meddle, *Dalton Juſt. P.* fo. 93.

Their Care of the Poor.

Theſe Officers are chiefly to take care of the Poor, either that they Work, or be Relieved if not able; and alſo to ſettle them in their Habitations.

Note,

Note, There are reckon'd three ſorts of Poor People: *Three ſorts of Poor.*

1. Such as are poor by Impotency; as Aged and Decrepit, Blind, Lame, Diſtracted, Lunatick, tender Infants, &c. *Impotent and decrepit.*

2. Such as become poor by Caſualty; as maimed or diſabled in their Bodies, or Callings, undone by Fire and the like, overcharged with Children. *Poor by Misfortune.*

3. Such as have made themſelves poor, by Riot, Idleneſs, Drunkenneſs, &c. and ſuch as are diſſolute Perſons, pilfering Vagabonds, &c. *Poor by Idleneſs, &c.*

As to the firſt, poor by Impotency, &c. the Overſeers are to provide for them, that they have neceſſary Relief and Allowances proportionable to their Needs. *Full Relief.*

As to the ſecond ſort, poor by Caſualty, &c. if theſe be of ability and ſtrentgh, they are to be ſet on Work by the Overſeers, and to be further Relieved according to their ſeveral Neceſſities. *Some Work, ſome Relief*

As to the third ſort, they are alſo to be ſet on Work at the Houſe of Correction, and to maintain themſelves by their hard Labour, ſo as they may not be chargeable to the Town or Country: Yet in caſes of manifeſt Extremity they are to be relieved by the Town. *Full Work.* *Charity.*

See *Dalton Juſt. P.* fo. 100, & 101.

Rich perſons to Relieve their poor Relations.

Again, as to the firſt ſort, poor Impotent perſons, not able to work, you muſt obſerve, That the Father, Grandfather, Mother, Grandmother, and the Children and Grandchildren (not being Baſtards) of ſuch Poor perſons, being able, ſhall relieve ſuch poor Relations in ſuch manner as ſhall be aſſeſs'd at Quarter-Seſſions, upon Forfeiture of 20 *s. per* Month during Refuſal, to be levied by theſe Officers on a Warrant from two Juſtices (*Quorum unus*) by ſale and diſtreſs; and Impriſonment for want of Diſtreſs. But the Juſtices can do nothing againſt one that lives out of their County, *Stat.* 43 *Eliz. cap.* 2.

Forfeitures.

Impriſonment.

Overſeers Erect a Cottage.

Alſo if a Poor man want a Houſe, the Overſeers (by conſent of the Lord of the Mannor) may erect a Cottage on the Waſt, and lodge Inmates therein, notwithſtanding *Stat.* 31 *Eliz. cap.* 7.

To ſet perſons on Work.

As to the ſecond ſort, obſerve, Theſe Officrs are to ſet to work all ſuch Perſons (married or unmarried) as have no Means to maintain themſelves, or uſe no ordinary and daily Trade, to get their Living by; and to ſet to Work and Bind forth Apprentices, the Children of ſuch whoſe Parents they ſhall not think able to keep and maintain them, *Stat.* 43 *Eliz. cap.* 2. *Dalton* fo. 93, 94, 95. 7 *Jac.* 3.

To Bind Apprentices.

As to the third ſort; If any of them appointed to Work, ſhall refuſe ſo to do, or to work for the Wages aſſeſſed, any Juſtice of Peace may ſend them to Goal, or the Houſe of Correction. *The third ſort ſent to the Houſe of Correction.*

And that ſuch Overſeers, &c. may be enabled to ſet ſuch People at Work; they may with Conſent of two or more Juſtices (one to be of the *Quorum*) ſet up, uſe and follow any Trade, Myſtery, or Occupation, only for the ſetting on work and relieving the Poor of the Pariſh or Place, *Dalton* fo. 94. *Stat.* 3 *Car.* 1. *cap.* 4. *Overſeers may uſe any Trade.*

Theſe Officers may licence their Poor to Beg within their own Pariſh; but not in the Highway. *To License their Poor to Beg.*

And note, That no Inhabitants ought to ſerve any Poor at their Door, but thoſe of their own Pariſh, and that have ſuch Licence, upon pain of 10*s.* for every time they do ſo, *Dalton* fo. 99, 126. 39 *Eliz.* 3. *Stat.* 1 *Jac. cap.* 7. *Penalty.*

Concerning Rates, and Setling of the Poor

FOr Enabling theſe Officers to relieve the helpleſs Poor, It is Enacted, That they (or the greater part of them) may weekly, or otherwiſe, raiſe by Taxation upon the Occupiers of Lands, Houſes, Tithes, Coal-Mines, ſaleable Underwoods, &c. in their Pariſh ſuch *To make Rates, and how.*

Rates as they ſhall think neceſſary: Which Rate or Tax muſt be allowed by two Juſtices (one to be of the *Quorum*,) by virtue of whoſe Warrant theſe Officers may levy the Rates by Diſtreſs, on the Goods of ſuch as refuſe to pay: And for want of Diſtreſs, the party may be committed to Priſon till payment, *Stat.* 43 *Eliz. c.* 2. *Dalton* fo. 97.

Diſtreſs.

Impriſonment.

Who are chargeable with theſe Rates.

Note, Theſe Rates ought to be made according to Mens Viſible Eſtates, either Real or Perſonal, within the place only, and not for any Eſtate they may have elſewhere: And the Tenants and Occupiers are only chargeable, and not the Landlords; except they hold the Land in their own hands, 1 *Bulſtr.* fo. 354.

Lands, how chargeable.

All Lands are chargeable with theſe Rates by the Pound, or according to the Value; and an Hundred Pounds in Stock or Goods, at 5 or 6 *l.* a year, and ſo proportionably.

Relief.

The Quarter Seſſions will relieve ſuch as are grieved by theſe Rates or Taxes.

As to keeping out of, and Settling Poor People in the Pariſh, obſerve theſe things.

Forty Days Settlement, how to be accounted.

THat 40 Days reſident quietly in a Pariſh, is accounted a Legal Settlement by *Stat.* 14 *Car.* 2. *cap.* 12. But *Stat.* 1 *Jac.* 2. which revives the other Statute for 7 years, and to the end of the

next

next Seſſion, directs, That the 40 Days ſhall be accounted from the time of Notice of their abode (which the Parties are bound to give) in Writing to the Churchwardens, or Overſeers.

Coming to dwell in a Tenement under 10 l. per Ann.

2. By the Statute 14 *Car.* 2. *cap.* 12. If a Stranger come into a Pariſh to dwell in any Tenement, under Ten pounds a Year, and refuſe to give Security to diſcharge the Pariſh; any two Juſtices (one to be of the *Quorum*) on Complaint of the Churchwardens or Overſeers within 40 Days, may ſend him to the place where he was laſt Legally ſettled. And ſuch as find themſelves grieved, may appeal to the Seſſions.

Going abroad by Certificate, to Work above 40 Days.

But Note, That any perſon may go abroad to work in Harveſt, or other Employment, with a Certificate from the Miniſter, one Churchwarden and one Overſeer, that he is a ſetled Inhabitant in their Pariſh: And if in ſuch caſe he fall Impotent, after he hath been in a ſtrange Place above 40 Days, he may be return'd to the firſt Pariſh; for his ſtay in the other ſhall be counted no Settlement.

Perſons refuſing to go, or not remaining in the Pariſh where they ought to be ſettled, may be ſent by the Juſtices to the Houſe of Correction, 14 *Car.* 2. 12.

Some Cases about Settlements, &c.

A Family all gally turn'd out of the Pariſh.

A Having a Wife and Children, takes a Houſe in the Pariſh of *B.* for a Year, and in that Year is wrongfully turn'd out of poſſeſſion, and thereupon takes a Houſe in another Pariſh; out of which he is alſo put within two or three Days, and thereby wanting a place to ſhelter him gets into a Barn in another place, and there his Wife is Delivered of another Child: In this Caſe its ſaid, they are all to be ſent to the Pariſh, out of which they were firſt Illegally forced, *Reſol. of the Judges, Sect.* 24.

An Inhabitant becoming Vagrant, how to be ſettled.

One Born at *A* left that place 10 years and lived in *B.* taking a Houſe and paying Rent there for two or three years; and afterwards left that place alſo for ſix or ſeven years, and then came to *C.* in another County, and there was 20 weeks at work; but becoming Impotent, did wander and beg, and being taken as a Vagrant, It was ordered, That he ſhould be Paſ'd and ſetled at *A.* where he was Born, 1 *Burr.* fo. 357.

Vagrant Beggar ſent to the place of his Birth.

Others to the Houſe of Correction.

And here Note alſo, That no man but a Vagrant Beggar ought to be ſent out of any Pariſh, to the place of his Birth or laſt Habitation; for if any refuſe to work in the Pariſh where he is ſetled, or to work for the Wages aſſeſs'd, the Juſtices are to ſend him to the Houſe of Correction, *Dalt.* fo. 126. 39 *Eliz. cap.* 9. 1 *Jac. cap.* 7.

And

And Note alſo, That if any Diſturbance be made to any Settlement, lawfully Ordered by the Juſtices, either by the Conſtables refuſing to receive and convey a Rogue, where they ought to do it: Or by the Churchwardens and Overſeers of the Poor, in refuſing ſuch a one as is duly ſent to be ſetled there. In ſuch caſe they forfeit 5 *l.* by *Stat.* 29 *Eliz. cap.* 4. *Diſturbing a lawful Settlement.* *Forfeiture.*

A. lives in a houſe at *B.* with his Children; but works in *C.* being hired there by the Year: In this caſe its ſaid, his Children are ſetled in *B.* and not in *C.* in caſe of *A*'s Death. *Lives in one Town, Works in another.*

If a Woman unmarried be hired in one Pariſh, and there got with Child; and then goes into another Pariſh, and is there ſetled in Service, or otherwiſe, for two or three Months, and then is found with Child, and Deliver'd: In this Caſe, Its ſaid, ſhe and her Child ſhall be ſetled in this Pariſh where ſhe is, and not be ſent to the Pariſh where the Child was begotten, *Reſol. Judic. Sect.* 12. *Child got in one place, born in another.*

Concerning Baſtard Children.

OBſerve further, That the two next Juſtices may take order, as well for the Puniſhment of the Mother of a Baſtard-Child; as alſo to compel her and the reputed Father, to ſave the Pariſh harmleſs by allowing Mony weekly, and may Impriſon him or her, if that Order be not performed. The Juſtice alſo *Puniſhing the Mother of a Baſtard Child, &c.*

to discover the truth of the Matter) may examine the Mother upon her Oath, concerning the Father of the Child, *Dalt.* fo. 37, & 38. 18 *Eliz. cap.* 3. 7 *Jac. cap.* 4.

Baſtard born in one Pariſh, and carried into another.

If a Woman be Deliver'd of a Baſtard-Child in one Pariſh, and then goes into another Pariſh with her Child: In this Caſe the Child, after it is Nurſed, is to be ſent to and ſetled in the place where it was born, and not to remain with the Mother, *Reſol. Judic. Sect.* 21.

Baſtard-Child, kept 10 *years with the reputed Father, how to be ſetled after the Fathers Death.*

If *A.* have a Baſtard-Child by *B.* born in *D.* and the reputed Father marries another Woman, and they breed the Child 10 years in the Pariſh of *S* (the Mother of the Child being a ſingle Woman, and in Service all this while) and then the reputed Father dies: In this Caſe its ſaid, the Child is to be ſent to the Mother firſt, to be maintained by her, if ſhe be able; and if not, it muſt be kept by the Pariſh of *S.* where it was ſetled 10 years with the Father, 2 *Bulſtr.* 350.

Concerning the Putting forth, and Binding Apprentices.

What poor Children may be put out Apprentices.

FOr the doing of this, It muſt be obſerved:

First, That they are to be ſuch Peoples Children, whoſe Parents are unable to maintain them; and to be done with the conſent of two Juſtices, *Stat.* 7 *Jac. cap.* 3.

Secondly,

Secondly, That the Children ſo put forth, ought to be above ſeven, and under fifteen years of Age, when they are firſt Bound; and they may bind the Man-child till 24 years of Age, and the Woman child till 21 years of Age, or that ſhe ſhall be married, which ſhall firſt happen, 43 *E.* 2 *Dalton* fo. 83. *Of what Age they ought to be and how long to be Bound.*

Thirdly, Theſe Officers may (with the help of the Juſtices) compel any Man whom they think fit within the Pariſh, to take a Poor mans Child, with mony or with out, as they ſee occaſion, *Reſol. Jud. Q.* 1. *What perſons may be compell'd to take ſuch Apprentice.*

And if the Maſter and Officers cannot agree, the Juſtices thereabouts, or in their defaults, the Seſſions muſt end the Matter, *Dalt.* fo. 95. *Reſ. jud. Queſt.* 2.

Fourthly, They may put them to Weavers, Maſons, Dyers, Fullers, or any other Trade, as well as to Husdandry or Houſe-wifery: And if all Men that have, or may have uſe for Servants, whether Knights, Clergymen, Gentlemen, Yeomen, or Tradeſmen, are bound to take Apprentices: And if they be Rich, though they Table themſelves, and alledge that they have no occaſion for Servants; yet they may be forced either to take them, or give Mony towards the Placing of them with others; And if they refuſe to pay the Sum impoſed upon them, two Juſtices of Peace may make Warrants to levy the ſame by diſtreſs, Arreſs, and ſale of the Offenders Goods. Or they may Preſent and Indict ſuch as refuſe to take ſuch Apprentices, at the *Tradeſmen, Husbandmen, Houſewives, Gentlemen, &c.* *Diſtreſs.* *Indictment.*

Aſſizes

Assizes or Sessions of the Peace, *Stat.* 43. *Eliz. cap.* 2. *Dalton* fo. 83. 95. *Resp. Jud. Quest.* 4.

The Parent of the Children Indicted.

So may the Parents of the Children be Indicted, if they (not being able to bring them up honestly) refuse to part with them; or if they shall entice their Children away after they are bound, *Dalton Just. P.* fo 78. & 96.

The Children sent to the House of Correction.

If the Children shall refuse to go to be Apprentices, when ordered, the Justices may send them to the House of Correction, till they shall be content to be bound, *Dalt. ut supra.*

To be Bound by Indenture, and how.

Note, These Apprentices must be bound by Indenture; the Indenture to be made between the Justices, Churchwardens and Overseers of the Poor, and the Apprentice of the one part, and the Party that takes the Apprentice on the other part. Or it may be said, to be with the consent of the Justices.

The Form whereof is as followeth:

The Form of the Indenture.

THIS *Indenture made the First Day of* December, *in the Eleventh year of the Reign of our Sovereign Lord* William, *by the Grace of* GOD, *of* England, Scotland, France, *and* Ireland, *King, Defender of the Faith, &c.* Annoque Domini, 1699. *Witnesseth, That* A. B. *and* C. D. *Overseers of the Poor of the Parish of* St. Giles's *in the Fields, in the County of* Middlesex, *and* E. F. *and* G. H. *Churchwardens of the same Parish, by and with*

with the Consent of J. K. *and* L. M. *Esquires, two of His Majesty's Justices of Peace for the same County, have placed, and by these presents do Place and Bind* N. O. *being a poor* * *Fatherless Child, as an Apprentice with* P. Q. *of the said Parish of St.* Giles's *in the Fields, Taylor; and as an Apprentice with him the said* P. Q. *to dwell, from the Day of the Date of these presents, until he the said* N. O. *shall attain the Age of* 24 † *Years, according to the Statute in that case made and provided: By and during all which time and term the said* N. O. *shall and will faithfully serve the said* P. Q. *his Master, in all his lawful Business, according to his Power, Wit, and Ability; and honestly and obediently in all things shall behave himself toward the said* P. Q. *his Wife, Children and Family. And the said* P. Q. *for his part promiseth, Covenanteth and agreeth, That he the said* P. Q. *the said* N. O. *in the Art, Skill, and Mystery of a Taylor* §, *shall Teach and Instruct, or cause to be Taught and Instructed, the best way and manner that he can, according to his knowledge; and also to find and allow unto his said Apprentice sufficient Meat, Drink, Washing, Lodging, Linen, Woollen, Shoes, Stockings, and all other*

* Or you may say, *Son or Daughter* (*of such an one*) unable, by reason of his Age and great Charge, to bring up and maintain his (or her) said Son, or *Daughter*, as the case is.

† If it be a Girl, you may bind her to 21, or Day of Marriage; and a Boy may be Bound to 24.

§ Or in the Art and Skill of Husbandry, or Housewifery, as the case is.

other things meet and neceſſary for ſuch an Apprentice, during all the ſaid Term. In Witneſs whereof the ſaid Parties to theſe preſents, have to the ſame interchangably ſet their Hands and Seals the Day and Year firſt above Written.

Let the Churchwardens, Overſeers and Apprentice, Seal and deliver one part to the Maſter: And let the Maſter Seal the other part to them.

And it may be the better to get the Juſtices to ſignifie their Conſent, by Indorſment on the Backſide of the Indentures.

Note, That Mayors, Bayliffs, or other Head Officers of Corporate Towns, have in their ſeveral Precincts like Authority, as the Juſtices of Peace have in the Counties, for all the uſes and purpoſes in this Act: And the like hath every Alderman of every Ward in the City of *London*, *Stat.* 43 *Eliz. cap.* 2.

Note, this Placing of Apprentices may be to any Man, or ſingle Woman, or Widdow, whom the Officers and Juſtices think fit to receive them, either to learn a Trade, or Husbandy, or Houſewifery.

Such Indentures are ſafe.

And note, That all ſuch as are bound to the Overſees, &c. as aforeſaid, may ſafely be received and kept as Apprentices, by their Maſters or Miſtreſſes, to whom they were ſo bound, 1 *Jac.* 1. *cap.* 25. 21 *Jac.* 1. *cap.* 28. 3 *Car.* 1. *cap.* 4.

By the *Stat.* 7 *Jac.* 1. *cap.* 3. Mony given to put out poor Children Apprentices, is to be employed by the Corporation, or Parſon, Conſtables, Churchwardens, and Overſeers, accordingly, on pain that every of them forfeit *five Marks*. And the Perſon that takes Mony with ſuch Apprentice, ſhall give Bond to repay it at ſeven Years end, or within three Months after: Or, if the Apprentice dye in the mean time, then within one year after his death; and the like of the death of the Maſter, Miſtreſs, or Dame, ſo as the Mony may be employed for putting out others.

How Mony given to put out poor Children, ſhall be employ'd.

Apprentice dies.

Maſter dies.

If a Maſter. &c. ſhall put his Apprentice into Apparel, he cannot take it away from him, though he ſhould afterwards part with his Apprentice, *B. o. Treſp.* 93.

Maſter may not take away his Apparel.

And note, that An Apprentice cannot be diſcharged from his Apprenticeſhip, but by four Juſtices at the leaſt in open Seſſions: by Agreement in Writing under his Maſters hand, *Dalt. Juſt. P.* fo. 79.

How an Apprentice may be diſcharged from his Maſter.

You may perceive, by what has been ſaid before, that theſe Officers are to be aſſiſting in ſome caſes to Conſtables, as for *Iriſh* Cattle, &c. which is left to your obſervation in reading this Treatiſe.

Overſeers to be aſſiſting to other Officers.

The Overſeers are to receive for the Poors uſe, the Fines laid upon ſuch as with Nets, Snares, or Engins, take and kill Fiſh, Conies, &c. unlawfully, without the Owners conſent, *Stat.* 22 *&* 23 *Car.* 2. *caſ.* 25.

Fines and Forfeitures to be received by them.

Alſo

Alſo a Third part of ſuch as Travel with above five Horſes in length. See the next Chapter, *& vide Antea* Chapter for HighWays.

Forfeiture for not Burying in Woolen.

By the *Stat.* 30 *Car.* 2. *cap.* 3. upon the Miniſters Notice to the Church-wardens or Overſeers of the Poor, under his Hand, That no Affidavit is brought to him according to the Statute for Burying in Woolen, they are within 8 Days after to repair to the Chief Magiſtrate of any Town where the Deceaſed was Buried, elſe to a Juſtice of Peace; who upon the Miniſters Certificate are to grant a Warrant to levy the Forfeiture, *viz.* 5 *l.* by diſtreſs and ſale of the Goods of the Party deceaſed; or in default thereof, of the perſons Goods in whoſe Houſe the party died; or the Goods of any that had a hand in putting the Party deceaſed into any Shroud or Coffin, made or lined, &c with any thing but Sheeps Wool, contrary to this Act, or that ordered the ſame: And if ſuch perſon were a Servant, and died in the Maſters Family, the Maſters Goods to be liable. And if ſuch perſon died in the Family, of his Parents, then the Parents Goods to be liable: One part of this Forfeiture to the Poor of the Pariſh, the other to him that will ſue for the ſame.

Note, no Penalty ſhall be incurr'd where the Party died of the Plague.

If a Juſtice be not in the Pariſh where the Party ſhall be Interr'd, the Affidavit may be adminiſtred by any Parſon, Vicar or Curate in the ſame County, other than

of

of the Parish or Chapel of Ease where the Party is Interr'd, and they are to attest the same under their hands gratis, *Stat.* 32 *Car.* 2. *cap.* 1.

Forfeitures of Officers.

Officers neglecting their Duty by this Act, forfeit 5 *l.* for every Offence, to be recovered by Action brought within six Months after the Offence: One fourth part to the King, two to the Poor of the Parish, and one fourth to the Informer, 30. *Car.* 2. *cap.* 3.

Overseers to Account.

These Officers within four Days after their Year ended, and others chosen, are to make a true Account to two Justices, of what Monies they have Received aud Disbursed, what Wares they have in their hands, or in the hands of any of the Poor, what Prentices they have put out, &c. 43 *Eliz.* 2. *Dalton* fo. 96.

And they are also to give an Account at their Sessions, or to any two Justices at their monthly Meetings, of the Name and Quality of every person Interr'd since their former Account; and of the Certificates, and their levying Penalties, and of the disposal thereof, on pain of 5 *l.* to be levied by distress and sale; and their Accounts shall not be allowed till they have accounted for the Burials, 30 *Car.* 2. 3.

Account of Certificates and Burials, &c.

Upon their last Accounting what is remaining, they shall pay over to the New Overseers; if they refuse to account, the Justices may send them to Goal; and if after they have accounted, they refuse or fail to pay over the Mony in their

To pay over the Remainder. Commitment.

Diſtreſs. their hands to their Succeſſors, the ſame may be levied on their Goods by diſtreſs, to be ſent to the Goal, there to remain till payment and delivery of the Arrears and Stock remaining, as aforeſaid, *Stat.* 43 *Eliz. cap.* 2. *Dalton* fo. 96.

Forfeitures of the Church-wardens and Overſeers, for Neglect in their Office. Note, That the Churchwardens and Overſeers, for every Default and negligence in their Office about the Poor, every of them forfeits 20 *s.* The default to be proved either by Confeſſion or Examination of Witneſſes, and is to be levied by the New Churchwardens and Overſeers, or one of them, on Warrant by Diſtreſs and Sale; and for want of Diſtreſs, the Offender may be Committed by two Juſtices to Goal till payment: The Forfeitures to be employ'd to the uſe of the Poor of the ſame Pariſh, 43 *Eliz. cap.* 2. *Dalton* fo. 97.

CHAP. XXVI.

The Office of a Surveyor of the Highways.

How and for what appointed. THeſe Officers are Yearly appointed, to look after the neceſſary Reparations of the Highways, within the Pariſh or Precinct for which they are choſen.

Something hath been ſpoken concerning theſe Officers in particular, for

London,

London, Weſtminſter, and the Pariſhes within the Weekly Bills of Mortality. See before the Chapter about the *Streets, Lights, &c.* *Vide antea.*

But obſerve further in general, That theſe Officers are to be choſen on *Monday* or *Tueſday* in *Eaſter-Week*, by the Church-wardens, Conſtables, or Tithingmen, for the time being, with the advice and conſent of the major part of the Inhabitants; and they may be Two or more in number, as the largeneſs of the Pariſh requires; and being Choſen, and having Notice thereof given them by the Conſtables, &c. the next *Sunday* after, they are immediately after ſuch Notice, to take the Office upon them, in pain of forfeiting 20 *s. Stat.* 2 & 3 *P. & M. cap.* 8. 14 *Car.* 2. *cap.* 6. *When to be Choſen.*

Note, by the *Stat.* 22 *Car.* 2. 12. they are to be choſen ſome Day in *Chriſtmaſs-Week*, and ſix Days Notice.

The Conſtables and Church-wardens upon chooſing the Surveyors, are to appoint ſix Days between that and *Midſummer*, to be ſet a part for the mending the Highways, and muſt give publick Notice thereof before the ſeveral Days, *Stat.* 5 *Eliz.* 13. 22 *Car.* 2. *cap.* 12. *Days ſet apart for mending the Highways.*

By this laſt Statute, if they cannot be mended by *Midſummer*, they muſt be mended before the Feaſt of St. *Luke.*

Theſe Officers are to take care, that the Pariſhioners do their Work on the Days appointed, according to theſe Rules; *viz.* *How the Pariſhioners are to work on thoſe days.*

Every

A Plough-land, one Cart and two Men. Every one having a Ploughland (that is, ſo much as one Plough may Plough in a day) in Tillage or Paſture in the Pariſh, or keeping there a Plough or Team, ſhall on every of the ſaid Days, bring or ſend one Wain or Cart fit for Carriage, provided with neceſſary Tools, with Oxen or Horſes, &c. according to the uſage of the Country, and two able Men, who are to work as the Surveyors ſhall appoint, Eight hours a Day, 2 & 3 *P. & M. cap.* 8.

Eight hours

Cottager and Labourer. Every other Houſholder, Cottager and Labourer in the Pariſh, being able to work, and not a Servant hired by the Year, muſt by himſelf; or ſome other able man, work 8 Hours at the appointment of the Surveyors on every of the ſix Days, as aforeſaid, 2 & 3 *P. & M. cap.* 8.

Eight hours

Subſidy-men, two Able Men. Such as have no Carts, yet being in Subſidy 5 *l.* in Goods, or 40 *s.* in Land, or above, muſt find two able men to work every of the ſaid ſix Days. 18 *Eliz. cap.* 10.

Materials carried on Horſe-back. Where the Uſage is to carry Materials for ſuch amendment on Backs of Horſes, or by other Carriages, the Inhabitants ſhall ſend them in with able Perſons to work with them in like manner, and under the like Penalties, as is appointed for Carts and Teams, 22 *Car.* 2. *cap.* 12.

If any fail to make their Days labour, or neglect to ſend their Carriages, &c. the Surveyors ſhall complain to the next Juſtices of Peace, who upon Oath thereof by one Witneſs, may levy by diſtreſs and ſale of Goods, for every day Labourer neg-

neglecting (without a reaſonable cauſe) 1 *s.* 6 *d.* for every Man and Horſe 3 *s.* and for every Cart with two Men, 10 *s.* Which Penalties ſhall be employed for Repairing the Highways in every reſpective Place and Pariſh, 22 *Car.* 1. *cap.* 12.

Penalties on a Day-Labourer. A Man and Horſe. A Cart and two Men.

Note, by the Statute 2 & 3 *P.* & *M.* the Forfeiture was but 12 *d.* a Man, and 10 *s.* for a Team and Two men; and the Penalties to be levied by the Surveyors by diſtreſs and ſale, and for their neglect within one Year to do it, then by the Conſtables and Churchwardens.

Penalties levied by Surveyors or Conſtables.

If the Surveyors ſhall think any of the Ploughs or Carts needleſs, any of the days they may ſpare them, and inſtead thereof require two able men, who muſt come upon the aforeſaid Forfeitures, 2 *Cart.* & 3 *P.* & *M.* 8.

Surveyors may command Men inſtead of Cart.

If ſix Days work in the Year will not ſerve to amend the Highways, the Surveyors muſt appoint more: For if the Highways be not ſufficiently amended, the whole Town or Pariſh may be Indicted for it, and the Pariſhioners are bound to come or ſend, as aforeſaid, *Dalt. Juſt. P.* fo. 69.

If ſix days will not do, then to appoint more.

Where the Highways cannot be amended before *Midſummer*, they ſhall be Repair'd before the Feaſt of S. *Luke*, 22 *Car.* 2. 12.

It is ſaid, The Owner of Lands, if he be not the Occupier thereof, ought not to be charged towards the repair of the Common Highways; but the Tenant who occupies the Lands is to be charged, *Roll's Caſes 1ſt part*, fo. 390.

Tenant to be charged.

Sur-

What things the Surveyors may take from other Mens Grounds, without leave.

Surveyors may take and carry away ſo much Rubbiſh and ſmall broken Stones already digg'd, out of any mans Quarry within the Pariſh, without the Owners leave, as they ſhall think fit; or they may gather looſe Stones in any mans Ground, but may not dig for new Stones without leave, nor take great Stones which are already digg'd. But they may dig for Materials in likely or probable places, lying near the place where the Way is decay'd, for Sand, Stones, Gravel, &c. ſo it be not in Houſes, Gardens, Orchards or Meadows, (for in thoſe they may not dig without the Owners leave) nor may they make a Pit above ten Yards in breadth or length; and they muſt fill it up again at the Charge of the Pariſh within a Month, upon pain to forfeit 5 *Marks* to the Owner of the Ground, to be recovered by Action of Debt, *Stat.* 5 *Eliz. cap.* 13. They may alſo by this Statute turn a Water-courſe, hurtfull to the Highway, into any mans Ditch.

Exceptions.

Penalties.

Water-courſe.

Forfeitures on ſuch as Trim not their Hedges.

Owners of Grounds adjoyning to the Highways, not keeping their Hedges low, and cutting down Trees and Bushes growing over the ſame, forfeits 10 *s.* And ſo they that ſcour not their Diches next adjoyning to the Ground that is next the Highway, to the end the Water may have the better Paſſage out of the Highway, ſhall forfeit 12*d.* for every Rod. *Stat.* 18. *Eliz. cap.* 10.

Scourings thrown into the High-way.

If any perſon ſcours his Ditch, and throws the Scourings into the Highway,

and ſuffers it to lye there 6 Months, forfeits 12 *d.* for every Load, 18 *Eliz.* 10.

Theſe Forfeitures upon *Stat. Eliz.* 10. to be levied by the Surveyors by Diſtreſs and ſale; in their default not to do it within a Year, then the Conſtables and Churchwardens by Warrant may do it. *Forfeitures, how to be levied.*

If the Surveyors neglect to preſent the Offences againſt *Stat.* 2 & 3 *P. & M. c.* 8. & 5 *Eliz. c.* 13. within one Month after they ſhall be committed, forfeit 40 *s.* *Forfeiture for not preſenting.*

By the *Stat.* 22 *Car.* 2. 12. they are to return the Defaulters within a Month after every default to ſome Juſtice of Peace, who ſhall preſent the ſame at the next Quarter Seſſions. *Return of Defaulters.*

By the ſame *Stat.* 22 *Car.* 2. *cap:* 12. no Carriage with any burthen (other than ſuch as are employed about Husbandry, and in carrying Hay, Straw, Corn unthreſh'd, Coal, Chalk, Timber for Shipping, Materials for Building, Stones or Ammunition, or Artilery for the Kings Service) ſhall go in any Highway with above 5 Horſes in length: And if any draw with more Horſes or Oxen, they ſhall all draw in pairs, except one Horſe, Owners of Carriages or Beaſts offending, ſhall forfeit 40 *s.* for every Offence; one Third to the Surveyors of the Highways in the Twon, &c, where committed for the Repair of them; another Third to the Overſeers of the Poor of the Pariſh, where, &c. another Third to him that ſhall *Forfeitures of ſuch as Travel with above 5 Horſes in length.* *One Third to the Surveyors.*

That is to ſay.

Fine upon Surveyors, &c. for neglecting their Office.

Every Conſtable or Surveyor of the Highways, neglecting to put the Acts touching Repairing, &c. Highways in execution, or wilfully ſuffering any Wagons or Carts to Paſs in any other manner, than by this Act is allowed, ſhall upon Complaint to a Juſtice of Peace. by the Oath of one Witneſs, or View of the Juſtice himſelf, be convicted, and incur ſuch Fine as the Juſtice ſhall impoſe, not exceeding 40 *s.* to be levied by the High-Conſtable, or other Officer, by Warrant under Hand and Seal of ſuch Juſtice, to be employed for the mending the Highways of the Pariſh or place where ſuch neglect ſhall be, 22 *Car.* 2. *cap.* 12.

Surveyors Accounts, &c.

Laſtly obſerve, That two Juſtices of Peace by the *Stat.* 18 *Eliz.* may take the Accounts of the Surveyors of the Ways; and the petty Conſtables and Churchwardens, for ſuch Forfeitures (within that Statute) as they have levied, *Stat.* 18 *Eliz.* 10. *Dalton Juſt. P.* fo. 71.

A N

An Additional Duty incumbent on Surveyors, hath lately been provided by ſeveral Statutes, as followeth.

BY *Stat.* 3 & 4 *W.* & *M.* Chap. 12. It is Enacted, That the Laws and Statutes in force. Touching the Highways, not thereby altered or repealed, ſhall be put in Execution.

2*ly*, That upon the 26th day of *December* only, unleſs that day be *Sunday*, and then on the 27th day, the Conſtables, Head-boroughs, Tithing-men, Church-wardens, Surveyors of the Highways, and Inhabitants of every Pariſh, ſhall Aſſemble, and the Major Part of the Aſſembly ſhall make a Liſt of the Names of a Competent Number of the Inhabitants who have an Eſtate in Land in their own Right, or their Wives, of 10*l. per Annum*, or a Perſonal Eſtate of 100*l.* or are Occupiers of Houſes, Lands, &c. of the yearly Value of 30*l.* if ſuch there be, and if not, then a Liſt of the moſt ſufficient Inhabitants, and Return it to two or more Juſtices of the Peace at a Special Seſſions to be held for that purpoſe, on the 3d day of *January* next following, or within 15 days after, for which purpoſes the Juſtices are required

to hold a Special Seſſions, and to give Notice to the Conſtables, Headboroughs, &c. of every Pariſh within the Diviſion, ten days before the holding of the ſame, and out of the ſaid Lifts by Warrant, under their Hands and Seals, they ſhall Nominate one, two, or more to be Surveyor or Surveyors of the High-ways of every Pariſh within the Diviſion, or for any Hamlet, Precinct, Town, &c. of and in the ſame, for the year enſuing: Which Nomination ſhall by the Conſtables, &c. be notified to the Perſons Nominated, within 6 days, by ſerving them with the Warrants, or leaving the ſame, or a Copy thereof at their Houſes, and if Perſons ſo Nominated ſhall Refuſe, or Neglect to take upon them the ſaid Office, they ſhall Forfeit 5 *l.* to be levied on their Goods by Diſtreſs and Sale thereof, by Warrant of two Juſtices of the Peace, which Warrant the Juſtices are requir'd to make upon the Information of one Credible Witneſs upon Oaths, the Moiety of ſuch Forfeiture to the Imformer, the other to go towards the Repairing of the High-ways, and in ſuch caſe the Juſtices ſhall Nominate ſome other fit Perſons to perform the Office, who ſhall upon like Notice, take upon them the Office under the ſame Penalty: And Conſtables, Headboroughs, &c. or ſome of them, who ſhall not return ſuch Lifts of Names, every one of them, ſo neglecting,

lecting, ſhall Forfeit 20 *s.* to be levied in the manner, and Employed to the uſes, as aforeſaid.

3. No Perſons ſhall lay in any High-way not 20 Foot broad, any Matter whereby the ſame may be Obſtructed or Annoyed, on Pain to Forfeit 5 *s.* to be levied and diſpoſed, as aforeſaid.

4. If any Timber, Stone, Straw, Hay-ſtubble, or other Matter for making Dung, or on any other pretence, ſhall be laid in any ſuch High-way, the poſſeſſors of the Land next adjoyning, ſhall Remove and Diſpoſe of the ſame to their own Uſe, and if they neglect to clear the Way, or to cleanſe their Ditches, &c. adjoyning thereunto, or to cauſe the Earth taken thereout, to be carried away; and to lay ſufficient Trunches or Bridges, where there are Cart-ways into the ſaid Ground, by the ſpace of 10 days after Notice given by any of the Surveyors, they ſhall Forfeit 5 *s.* for every ſuch Offence, to be levied and diſpoſed, as aforeſaid.

5. No Tree, Buſh or Shrub ſhall be permitted to grow in any High-Way, not 20 Foot broad, but ſhall be Cut down by the owner of the Land where it ſtands, within 10 days after Notice given by any of the Surreyors on pain to Forfeit 5 *s.* to be levied and diſpoſed, as aforeſaid.

6. The poſſeſſors of Lands adjoining to High-ways, not 20 Foot broad, ſhall keep their Hedges pruned right up from the Roots.

7. Surveyors appointed as aforeſaid, ſhall within 14 days after their Acceptance of this Office, and ſo from time to time, every 4 Months view the Roads, Water Courſes, Bridges, Cauſeys, &c. within the Pariſh, &c. where he is a Surveyor, that are to be Repaired by the Pariſh, &c. and preſent upon Oath what Condition they find them, to ſome Juſtice of the Peace, or to incur the ſame Penalty, as if they had refuſed to Execute the Office, unleſs they have ſome reaſonable Excuſe to be allowed of by two Juſtices of the Peace; and what Defaults they ſhall find, they ſhall the next *Sunday* after Sermon ended, give publick Notice of, in the Pariſh Church; and if the ſame be not amended within 30 days after, ſuch Surveyors ſhall within 30 days amend the ſame, and diſpoſe of the Annoyances for the Repair of the High-ways, and ſhall be reimburſed their Charges by the Party who ſhould have done the ſame, and in Caſe of Refuſal by the Party to pay ſuch Charges, the Surveyors ſhall apply themſelves to a Juſtice of Peace, and upon Oath before him made of Notice to the Defaulter given, as aforeſaid, the Surveyors ſhall be repaid ſuch Charges as the Juſtices of the Peace ſhall think reaſonable, to be levied, as aforeſaid.

8. The

8. The Juſtices of Peace ſhall once in four Months hold a Special Seſſion, and Summons thereunto all the Surveyors of the High-ways, and declare to them what they are obliged to do by virtue of this or any other former Act, after which the Surveyors ſhall make a Preſentment to them upon Oath, of the State of the High-ways, within their Reſpective Pariſhes, &c. and what Offences and Neglects any are guilty of: And before any Surveyor be diſcharged of his Office, he ſhall at ſome ſuch Special Seſſions give an Account upon Oath, of all Money that has come to his hands which ought to be Employed in amending the High-ways, and how it has been diſpoſed; and if any remain in his hands, he ſhall deliver it to the next Surveyors, or in Caſe of Failure, ſhall Forfeit double the Value, to be levied and diſpoſed, as aforeſaid.

9. Surveyors Neglecting their Duty in any thing required by this Act, ſhall Forfeit for every Offence 40*s.* to be Levied and Diſpoſed, as aforeſaid.

10 If any Juſtice of Peace ſhall neglect or refuſe to do what this Act requires, he ſhall Forfeit 5*l.* one Moiety to the Proſecutor, the other to be Employed for the Amending of the High-ways, where the Perſon who Sues ſhall Inhabit, to be recovered in any of their Majeſties Courts of Records by Action of Debts, &c.

6. The poſſeſſors of Lands adjoining to High-ways, not 20 Foot broad, ſhall keep their Hedges pruned right up from the Roots.

7. Surveyors appointed as aforeſaid, ſhall within 14 days after their Acceptance of this Office, and ſo from time to time, every 4 Months view the Roads, Water Courſes, Bridges, Cauſeys, &c. within the Pariſh, &c. where he is a Surveyor, that are to be Repaired by the Pariſh, &c. and preſent upon Oath what Condition they find them, to ſome Juſtice of the Peace, or to incur the ſame Penalty, as if they had refuſed to Execute the Office, unleſs they have ſome reaſonable Excuſe to be allowed of by two Juſtices of the Peace; and what Defaults they ſhall find, they ſhall the next *Sunday* after Sermon ended, give publick Notice of, in the Pariſh Church; and if the ſame be not amended within 30 days after, ſuch Surveyors ſhall within 30 days amend the ſame, and diſpoſe of the Annoyances for the Repair of the High-ways, and ſhall be reimburſed their Charges by the Party who ſhould have done the ſame, and in Caſe of Refuſal by the Party to pay ſuch Charges, the Surveyors ſhall apply themſelves to a Juſtice of Peace, and upon Oath before him made of Notice to the Defaulter given, as aforeſaid, the Surveyors ſhall be repaid ſuch Charges as the Juſtices of the Peace ſhall think reaſonable, to be levied, as aforeſaid.

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8. The Juſtices of Peace ſhall once in four Months hold a Special Seſſion, and Summons thereunto all the Surveyors of the High-ways, and declare to them what they are obliged to do by virtue of this or any other former Act, after which the Surveyors ſhall make a Preſentment to them upon Oath, of the State of the High-ways, within their Reſpective Pariſhes, &c. and what Offences and Neglects any are guilty of: And before any Surveyor be diſcharged of his Office, he ſhall at ſome ſuch Special Seſſions give an Account upon Oath, of all Money that has come to his hands which ought to be Employed in amending the High-ways, and how it has been diſpoſed; and if any remain in his hands, he ſhall deliver it to the next Surveyors, or in Caſe of Failure, ſhall Forfeit double the Value, to be levied and diſpoſed, as aforeſaid.

9. Surveyors Neglecting their Duty in any thing required by this Act, ſhall Forfeit for every Offence 40*s.* to be Levied and Diſpoſed, as aforeſaid.

10 If any Juſtice of Peace ſhall neglect or refuſe to do what this Act requires, he ſhall Forfeit 5*l.* one Moiety to the Proſecutor, the other to be Employed for the Amending of the High-ways, where the Perſon who Sues ſhall Inhabit, to be recovered in any of their Majeſties Courts of Records by Action of Debts, &c.

11. Surveyors of the High-ways, where the Ditches and Drains already made, are not ſufficient to Carry off the Water, may make new ones thro' the Lands adjoining, and keep them open, and come upon the Grounds, with Workmen ſo doing.

12. Upon Notice given by the Surveyors to the Juſtices at their Special Seſſions, and Oath made of what Summs they have Expended in repairing the High-ways, the Juſtices or any two of them may by Warrant Cauſe an Equal Rate to be made to reimburſe them, where they are forced to lay out their Money, According to the Methods Preſcrib'd in an Act made the 43 of *Eliza.* Entituled, *An Act for the better Relief of the Poor of this Kingdom*; and if any Refuſe to Pay what ſhall be Aſſeſſed on him, the Surveyors ſhall Levy the ſame by Diſtreſs or Sale of Goods,

13. No Fine, Iſſue, Penalty or Forfeiture for not amending High ways, ſhall be return'd into the Exchequer, or other Court, but ſhall be Levied into the hands of the Surveyors, to be applied towards the Amendment of ſuch High-ways; and if any ſuch Fine, *&c.* Impoſed on any Pariſh, *&c.* for not Repairing the High-ways ſhall be Levied on one or more of the Inhabitants, upon Complaint to the Juſtices of the Peace, at their Special Seſſions; they, or any two of

of them may by Warrant Cauſe a Rate to be made to reimburſe them, which the Surveyors ſhall Levy and Pay within a Month after the making thereof.

14. The Surveyors ſhall make every Cart-way leading to any Market Town 8 Foot wide at leaſt, and as near as may be Level,

15. Inhabitants which the Weekly Bills of Mortality, Brewers, Scavengers, and others Employed in carrying away the Dirt and Soil of the Streets, &c. may uſe any Cart or Dray with Wheels ſhod with Iron, and narrower than ſix Inches in the Fellies, and drawn with more than two Horſes, any Act, Law or Uſage to the contrary notwithſtanding.

16. Where the Juſtices of the Peace at their General Quarter Seſſions ſhall be Satisfyed, that the High-ways, &c. cannot be ſufficiently amended without the help of this Act, Aſſeſſments upon Perſons, uſually Rateable to the Poor ſhall be made, and Levied by ſuch Perſons, and in ſuch manner, as the Juſtices at ſuch Seſſions ſhall Direct and Appoint; the Money to be raiſed, to be Employed according to their Orders for repairing the High-ways, &c. The ſaid Aſſeſſments, if not paid within ten days after Demand, to be Levied by Diſtreſs and Sale of Goods, rendring the Overplus, Charges deducted.

17. No ſuch Aſſeſſments to be made in any one year, ſhall Exceed 6*d.* in the Pound of the yearly Value of Lands, &c. nor of 6*d.* for 20*l.* in the Perſonal Eſtate.

18. If any Perſon find themſelves aggrieved by ſuch Aſſeſſments, or any Act by the Juſtices of Peace, the Juſtices of Peace, at their General Quarter Seſſions, ſhall take order therein which ſhall Conclude all Parties.

19. None ſhall be Puniſhed for any Offence againſt this Act, unleſs he be Proſecuted within ſix Months after the Offence Committed, nor ſhall any Perſon Puniſhed by Virtue of this Act, be Puniſh'd for the ſame Offence by vertue of any former Law.

20. No Horſe-Cauſey ſhall be under three Foot in Breadth.

21. The Juſtices of the Peace of *Middleſex*, may at their Quarter Seſſions make Rates for Paving *Kinſington*, in ſuch manner as is directed by an Act made in the 2d year of Their Majeſties Reign, for Paving and Cleanſing the Streets of *London* and *Weſtminſter*.

22. All Matters concerning Highways, &c. ſhall be determined in the County where they lie, and not elſewhere; and no Preſentment, Indictment, or Order made by Virtue of this Act, ſhall be Removed by *Certiorari* out of the County.

Alſo by the Stat. 8 & 9 W. 3d. Chap. 16. for Enlarging Common High-ways, it is Enacted:

1. That the Juſtices of the Peace of of any County, City, &c. or the Major Part of them (5 at leaſt) at their Quarter Seſſions, may Enlarge or Widen any High-ways in their Reſpective Counties, &c. ſo that the Ground to be taken into the ſaid High-ways do not Exceed 8 yards in Breadth, and that they do not pull down any Houſe, nor take away any Ground from Garden, Orchard, Court or Yard.

2. For ſatisfaction of the Owners, the ſaid Juſtices ſhall Impannel a Jury and Adminiſter an Oath to them, that they will Aſſeſt ſuch Damages and Recompence to the Owners, or other Intereſted in the Ground (not Exceeding 25 years Purchaſe) as they ſhall think Reaſonable, &c. and upon Payment of the ſaid Money ſo awarded, or leaving it in the hands of the Clerk of the Peace of the County, for the Uſe of the Owner; the Intereſt of the ſaid Owner ſhall be diveſted out of him, and the ſaid Ground ſhall be Eſteemed a Publick High-way to all Intents whatſoever.

3. And the ſaid Juſtices ſhall order Aſſeſſments to be made and Levied upon all ſuch Perſons that ought to Repair the ſaid High-ways, and the Mony thereby raiſed ſhall be Employed towards

Purchaſing the Land to Enlarge the ſaid High-ways, and making Ditches and Fences. The ſaid Aſſeſſments to be Levied by the Overſeers of the High-ways, by Diſtreſs and Sale of Goods, if not paid within ten days after Demand.

4. No ſuch Aſſeſſment ſhall, in one Year, Exceed the Rate of *6d.* in the Pound for Lands, nor *6d.* in the Pound for Perſonal Eſtate.

5. The ſaid Juſtices, at the Requeſt of any Perſon for Enlarging High-ways, ſhall at their Quarter Seſſions Iſſue out their Precepts to the Owners of Ground to be laid to the ſaid High-ways, to Appear and ſhew Cauſe why the ſaid High-ways ſhould not be Enlarged.

6. After an Order or Decree is made for the laying out of Ground for Enlarging High-ways, the Owner hath Liberty in 8 Months after, to Cut down any Wood or Timber Growing upon the ſaid Ground, or upon Neglect, the Juſtices ſhall Sell it, and deliver to the Owner the Value.

7. Perſons aggrieved by Order of the Juſtices, may Appeal to the Judges of Aſſize at the next Aſſize only, who may Affirm or Reverſe the ſame; and if they ſee Cauſe to Affirm, to award Coſts againſt the Appellant.

8. Where any Common High-way ſhall be encloſed after a Writ of *Ad Quod Damnum* Iſſued and Executed, any Perſon Injured

jured or aggrieved by ſuch Incloſure; may Complain to the Juſtices at the Quarter Seſſions next after ſuch Inquiſition, who may hear and finally determine the ſame, *&c.* but if no ſuch Appeal be made, then the ſaid Inquiſition and Return, Recorded by the Clerk of the Peace, to be for ever binding.

9 Juſtices of Peace at their Reſpective Special Seſſions to be held by Virtue of the Stat. 3 *&* 4 *W. & M.* (Chap. 12) in ſuch Caſes as they ſhall think Neceſſary, ſhall direct their Precepts to the Surveyors of the High-ways, where two or more croſs High-ways meet, requiring them to erect, where ſuch Ways Joyn, a Stone or Poſt with an Inſcription, directing to the next Market Town, to which each of the ſaid croſs Ways lead, and in Caſe the Surveyor or Surveyors Neglect or Refuſe ſo to do, for the ſpace of three Months, every ſuch Offender ſhall Forfeit 10 *l.* to be Levied by Warrant of one Juſtice, directed to the Conſtable, requiring him to Diſtrein and Sell the Goods of ſuch Offender, and Employ the Money to the ſaid Purpoſe.

By *Stat.* 7 *&* 8 *W.* 3. *Cap.* 29. It is Enacted, That every Owner of any Waggon, Cart, Carriages, Horſe, Beaſt or Oxen offending contrary to this Act, ſhall Forfeit 40 *s.* to the Surveyor or Surveyors of the Pariſh, Town or Village, where the Offence ſhall be committed, which

which Forfeitures ſhall be Levied in ſuch manner, as the Penalties impoſed by the Act made, 22 *Car.* 2. *Cap.* 12. are directed and appointed, and no otherwiſe; and the ſaid Surveyors ſhall receive the ſaid Forfeitures, and pay in and account for the ſame upon Oath, to the Juſtices of Peace, at their Special Seſſions, holden once in 4 Months, purſuant to the Act made, 2 & 3 *W.* & *M.* the ſame to be Impoſed in the Repairs of the High-ways, where ſuch Forfeitures were committed, and no otherwiſe.

2. That after the firſt day of *Auguſt* 96, no Travelling Waggon, Wain or Carriage, wherein any Burdens or Goods are carried for Hire, and other than ſuch as are Employed about Husbandry, and in Carrying Hay, Straw, Corn unthraſh'd, Coals, Stones, Timber, Materials for Building, Ammunition, Artillery, (or ſhall be for the King's Service) ſhall at one time be drawn in any Common High-way, with above eight Horſes or 8 Oxen, and one Horſe, or 6 Oxen, and 2 Horſes or 2 Oxen, and 6 Horſes or 4 Oxen, and 4 Horſes; which ſaid Horſes and Oxen ſhall draw in Pairs with a Pole between the Wheel Horſes, and the other Horſes to draw in a Line with the Wheel Horſes or Oxen, in ſuch manner as they draw in Coaches, upon pain that every Owner of ſuch Waggon, Wain, Cart, Carriage, Horſe or Oxen, ſhall Forfeit

40 *s.*

40 *s.* 2. 3 *d.* Part to the Uſe of the High-ways, the other to the Informer, to be Levied by Diſtreſs of any the ſaid Horſes, which after three days may be ſold.

3. That if any Inſhip, Liberty, Precinct or Vill, that uſes to Repair their own High-ways, ſhall have Levied and Employed the Rate of 6 *d.* in the Pound for the Repairs, and that be not ſufficient, the Juſtices at their next Special Seſſions, may order the Pariſh to Contribute to the ſaid Repairs.

4. That any Perſon, having in his Poſſeſſion any Wood-land or other Land of 50 *l. per Annum* Value, ſhall be deemed to have a Plow-Land, to All or any of the Purpoſes within any *Stat.* concerning the High-way.

5. That after 24th of *June*, every Perſon who ſhall pull up, cut down, or remove any Poſt, Block, Great Stone, Bank of Earth, or other Security, ſet up or made for Securing, Horſe-Cawſeys, or Foot Cawſeys, from Waggons, Wains, or Carts, ſhall (upon Complaint to a Juſtice of Peace by the Oath of one Witneſs) Forfeit 20 *s.* one Moiety to the Surveyors of the High-ways, to be Employed in the Repairs of the ſame, the other to him that ſhall diſcover the ſame, to be Levied as aforeſaid.

6. That

6. That in caſe any General Surveyor or Deputy Surveyor, or Super-Viſor of His Majeſty's own private Roads, or other Perſon or Perſons, ſhall make any Compoſition, or Receive any Money, or other Reward whatſoever, of any Carrier, or other Perſon, upon the account of Drawing with any Number of Horſes or Oxen contrary to this Act, or for any other Offence relating to the High-ways, he ſhall Forfeit for ſuch Offence 40 *l.* one Moiety to the Repair of the ſaid High-Ways, the other to ſuch Perſon as ſhall for the ſame for Information concerning the repairs of Bridges upon *Stat.* 22. *H.* 8. *Chap.* 5. See *Kebles Stat.* at large, Printed 1684. *fol.* 384, 385, *&c. Wingate Bridges, Sect.* 3, 4, 5, *&c.* See alſo a late Book, Entituled, a Guide for Surveyors, Printed 1694.

For repairing the Antient High-way and Poſt Road from *London* to *York*, and ſo into *Scotland*, thro' the Pariſhes, Towns, Vills, and Hamlets in the County of *Hertford*, reviv'd by *Stat.* 4 & 5 *W.* & *M.* See *Keb. Stat. fol.* 1256. 7, 8, 9, *&c.* As alſo concerning the Toll taken at *Wades Mill*, and the Way between *Puckeridge* and *Barley* to be amended, with part of the ſaid Toll. *Keb. Stat. fol.* 1307, *&c.* by 4 and 5 *W.* & *M.* reviv'd for 15 years, as to the County of *Hertford*, but the Toll to ceaſe when the ſaid Ways ſhall be adjudged to be

ſufficient-

ſufficiently amended. *Vide* Surveyor's Guide.

How new Ways may be ſet out in the *Welds* of *Kent* and *Suſſex*, and how and by whom *Kingsferry* in the Iſle of *Sheppy*, and the Ways belonging to the ſame, with the *Sea* Banks and *Sea* Works on the Coaſts of *Norfolk*, are to be repair'd, and what the Owners and Occupiers of Iron Works are to perform or pay towards the repair of the High-ways, in *Suſſex Surrey* and *Kent*.

How the Streets and Lanes in *Cambridge*, *Ipſwich*, and *Chicheſter* are to be Paved, Repair'd and Maintained.

How *Huntington*-Lane near the City of *Cheſter*, the High-way, call'd, The Cawſey in *Dorſet* and *Somerſet*, between *Shaftsbury* and *Sherborn*; and for Amending the High-ways within 5 Miles of the City of *Oxford*.

How *Rocheſter* Bridge in *Kent* is to be Repaired and Maintain'd.

Alſo, how the Bridges at *Wilton* upon *Wye* in *Hereford*, and *Edon*, and *Preſtleck* Bridges in *Cumberland*, are to be Repaired and Maintain'd.

How *Chepſtow* Bridge between the Counties of *Gloceſter* and *Monmouth*, is to be repair'd and maintain'd.

Alſo, how the Bridges of *Cardiff*, *Newport*, and *Carlion* Bridges in *Wales*, are to be repaired, with many other things neceſſary to be known by Surveyors,

veyors, &c. See the ſaid Book, called, *A Guide for Surveyors.*

See alſo the *Stat.* 7 & 8 *W.* 3. *Cap* 9. for Repairing the High-ways between *Shoufield* and *Ingateſtone*, and between *Kelvedon* and *Strannuaway*, and from *Stirwood* to *Harwich*; and alſo the Road between *Colcheſter* and *Langham*; and alſo the Road call'd *Bulmer Tye*, leading to *Ballington* in the County of *Eſſex*. See *Waſhington*'s Abridgment of the *Statutes*. pag. 96 &c. *Stat.* 7 & 8 *W.* 3. *Cap.* 26. for Repairing the High-ways between *Attleborough* and *Whymondham* in the County of *Norfolk*, being part of the Poſt-road from *London* to *Norwich*. *Waſh.* Abridg. *pag.* 99.

By *Stat.* 8 & 9 *W.* 3. *Cap.* 15. The Juſtices of Peace at their next Seſſions for the County of *Surrey*, ſhall appoint Surveyors for the High-ways for the Year enſuing, purſuant to the *Stat.* 3 & 4 *W.* & *M. cap.* 12. who ſhall meet, and Survey the Lanes leading from *Woodhatch Borough* to *Sidlow Mill*, and *Salmon*'s Croſs in the Pariſh of *Rygate*, and the Lanes call'd *Horſe-Hill*, and *Boneburſt*, and *Patteridge* in the Pariſh of *Horley*, in the County of *Surrey*, and make their Certificates thereof to the Juſtice, who thereupon ſhall make ſuch Orders in and about the ſame, as to them ſhall ſeem good. See Continuation of *Waſh.* Abridg. Printed 1699, pag. 48, &c.

By

By 9 & 10 *W.* 3. *cap.* 18. How Surveyors are to be appointed for the ruinous Highway, from the Town of *Bridlipp* and the Top of *Crickley Hill* in the County of *Glocester*, to the City of *Glocester*; and concerning their Duty therein. See Contin. of *Washington*'s Abridg. *pag.* 52.

ADDENDA

FOR

Constables.

Several Things may be obſerv'd before in what is mentioned concerning Surveyors. Alſo obſerve further, That

BY *Stat.* 3 & 4 *W.* & *M. cap.* 10. the Conſtable, Headborough and Tything-Men, by a Juſtice's Warrant, may enter and Search, as for Stolen Goods, the Houſes or other Places of ſuſpected Perſons; and if any Veniſon or Skins of Deer or Toyles be found, ſhall carry ſuch Offender

Offender before a Juſtice of Peace; and if he cannot give a good Account how he came by them, he ſhall be Subject to the Penalties hereby for Killing a Deer.

And by *Stat.* 4 & 5 *W.* & *M.* for Game, *Chap.* 23. By which all Laws and Statutes in Force for preſervation of the Game, not hereby altered, &c. are Confirmed Conſtables, &c. by a Juſtices Warrant may, and are required to Enter into and ſearch Houſes and ſuſpected Perſons, not qualified, as by the Act for the more Effectual Diſcovery and Puniſhment of Deer-Stealers is Provided.

Alſo note that by *Stat.* 9. & 10. *W.* 3. *Chap.* 27. For Licenſing Hawkers, and Pedlers, a Conſtable may demand the ſight of their Licences, and if they Refuſes to ſhew it, they ſhall Forfeit 5 *l.* to the uſe of the Poor of the Pariſh, where ſuch Demand ſhall be made, and for no payment, ſhall ſuffer as a Common Vagrant, and be ſent to the Houſe of Correction.

Alſo, if any Conſtable or other Officer refuſe or neglect to be aſſiſting in the Execution of this Act, being thereunto required, ſuch Officer being thereof convicted upon Oath before a Juſtice of Peace, ſhall Forfeit for every ſuch Offence 40 *s.* to be Levied by Diſtreſs and Sale of Goods. One Moiety to the Poor

Poor of the Pariſh, the other to the Proſecutor, rendring the Overplus.

There may be ſeveral other things in which the Conſtable is concern'd to act by Warrant, &c. Of which he may be (no doubt) ſatisfied from the Juſtice that grants ſuch Warrant; and therefore it is needleſs to inſiſt further herein about that Matter. Alſo ſee before the ninth Branch of the Conſtables Duty, p. 62, 63, &c. concerning his exempting the Juſtices Precepts and Warrants, &c.

AN APPENDIX.

HAving ſpoken briefly in the 2. *cap. fol.* 62, 63, &c. Chapter of the Conſtables Duty in executing the Juſtices Warrant, and how the Officer is bound at his peril, to take notice of the Authority and Juriſdiction of the Juſtices, I will here ſet down (as an *Appendix* to the former) ſome further Rules and Precedents touching the nature and effect of

of Warrants; which may be of good Use to our several Officers, for whom this Treatise is intended.

A Warrant, or rather Summons for making a New Constable, &c. to be Sworn before the Justices of the Peace.

This Summons is directed to the Person Elected, or intended to be Elected, thus;

To our Loving Friend A. B. *of* C. *Yeoman.*

THese are to require you, to make your repair to us, or some other Justice of the Peace of this County, to take the Oath of a Constable, (or Tithingman) to serve within your Town of C. *you being Chosen and Ordered by the Leet of your Town, to undertake the same Office, And herein fail you not, as you will answer the contrary, &c.*

Or thus;

WHereas A. B. *of your Town, the New Constable thereof, is (by reason of his Age and Impotency) very unable and insufficient to execute the said Place; These*

Theſe are to require you, whoſe Names are here under written, to be before me at my Houſe at C. *to Morrow* (or ſuch other time as is convenient) *by Ten of the Clock in the Morning, that I may make Choice of one of you to be Sworn, to undertake the ſaid Office. And hereof, &c. Dated, &c.*

Note, this Swearing of Conſtables, &c. by the Juſtices, is only in Caſe of neceſſity, and when 'tis long to the Quarter-Seſſions, or Leet.

Concerning Hand and Seal to a Warrant.

And tho' it may not be neceſſary for the Juſtices to put their Seals to theſe Summons, which are directed to the Parties themſelves, not obliging them to act upon any other perſon or thing; Yet Note, that there is a neceſſity that the Juſtice of Peace do ſubſcribe his Name to his Warrant, commanding an Officer to act upon ſome other perſon or thing. Tho' to put his Seal in every caſe is not required; for in a Warrant of the Peace, or Good Behaviour it is thought not to be needful, nor where an Act of Parliament ſaith, That the Juſtice by Warrant (or by Warrant under his hand) may do ſuch a thing: But where the Law ſays, that he may or ſhall do it by Warrant under his Hand and Seal, there it muſt be under his Hand and Seal, or it is not good. And it is now uſual and moſt ſafe for a Juſtice to put his Seal to every Warrant after this manner, *And hereof fail you not at your Perils.* *Given*

Day and Year of making the Warrant.

Given under our Hands and Seals [or *my Hand and Seal*,] as the Case may be *this first day of* January, *in the* 12th *Year of our Sovereign Lord King* William III. Annoque Dom. 1692.

Or thus;

Sealed with our Seals [or *Sealed with my Seal*] *and Dated the first Day of* January, *in the Third Year*, &c. Annoque Dom. 1692.

Note, That if the Warrant expreſs the place where it was made; as [*Dated at* D. *and given under my Hand*, &c.] though it was not really Dated there; yet the Warrant is good, and ſhall be taken to be dated where the Warrant doth ſay it was dated.

The Rules that have been obſerv'd to the compleating a Juſtice's Warrant, whereby he Commands an Inferior Officer to do ſomething belonging to his Office, are as follow:

Rules.

First, That the Warrant muſt be plain and clear, and not ambiguous and doubtful, ſo that the Officer need not be forced to enquire what the Juſtice means.

Secondly, That it be compleatly fill'd up, and not left with Blanks in it.

Thirdly

Thirdly, The uſual Form of the Warrant begins thus:

Theſe are in Their Majeſties Names to require you, &c. tho' it is ſufficient to ſay, *Theſe are to require you*; Howbeit the Warrant doth carry the more Majeſty in it, when thoſe Words are uſed in it.

Fourthly, The Title of Direction, may either be above the Warrant thus;

To the Conſtable of Dale.

Or in the body of the Warrant thus;

A. B. Eſq; &c. *To the Conſtable of* D. *Whereas*, &c.

Fifthly, The Warrant may be directed to any Officer, as the Sheriff, his Bailiffs, Conſtables, Tythingmen, *&c.*

Or, *To the Sheriffs, and to all Bailiffs, High-Conſtables of Hundreds, and Conſtables and Tythingmen of Towns and Pariſhes within the County of* A. *and every of them joyntly and ſeverally.*

Or, it may be directed to theſe Officers, and to others that are no Officers together.

Or, to them that are no Officers, alone, Thus;

To A. B. *and* C. D. *both of* E. *in the County of* G. *and to either of them.*

But this muſt be underſtood of Warrants of the Peace, Good Behaviour, and ſuch like Warrants, wherein the Juſtice of the Peace is left at liberty, to direct his Warrant to whom he will. For if the Law doth

doth direct him to whom to ſend his Warrant, (as divers Acts of Parliament do, ſome of them appointing him to direct his Warrant to the Conſtables, ſome to the Conſtables and Churchwardens, ſome to the Churchwardens, ſome to the Conſtables or Churchwardens, ſome to the Churchwardens and Overſeers of the Poor;) in this caſe the direction of the Statute muſt be punctually purſued; for it is dangerous to vary from it ever ſo little.

But where the Juſtice is left at Liberty, to direct it to whom he pleaſes, it hath been thought the beſt way to direct it to a common and known Officer; which is the High-Conſtable of the Hundred, or Conſtable of the Town, &c

Sixthly, The Warrant for an Arreſt may be, to require the Officer to bring the Offender before the Juſtice that makes the Warrant; or before him or ſome other Juſtice of the County, and either way is good.

Seventhly, in every Warrant of the Peace, or Good Behaviour, where Sureties are to be found, the Warrant ought to contain the ſpecial Cauſe or Matter, that the Party Arreſted may provide Sureties: But if it be for ſome great Crime, the cauſe may be concealed.

Eighthly, In every Warrant to command an Officer to carry a man to Gaol, 'tis uſual to inſert a Clauſe to the Gaoler at

at the end of the Warrant to this purpoſe: *That you him convey to the Common Gaol of this County, and him deliver to the Gaoler or his Deputy there, who are hereby required him to receive and detain, until he ſhall from thence be delivered by due courſe of Law.*

And note that 'tis uſual, and a good Cloſe of every Warrant ſent to an Officer, to require him to give an account how he had executed it, in this manner: *And that you be then there with this Precept, to give us an account of your Execution of it.* Or thus; *That you give me an account within 14 Days next following, of your Execution of my Warrant.*

Ninthly, Note, there is very little difference between a Warrant of Commitment and a Mittimus; for both are to do one thing, and they differ a little only in the Form.

Tenthly, Where a Statute doth give Power to a Juſtice of Peace, to compel men to do any thing, he may ſend his Warrant, to require them to come before him; and if they refuſe, he may proceed at Law.

Eleventhly, The Juſtices of the Peace may ſend their Warrants for any thing that doth relate to a ſpecial Seſſions, either to compel Appearance or Attendance there, or execution of any thing there done, under their own Hands, or by the Clerk of the Peace, as the buſineſs of the Quarter-Seſſions is done. I Twelfth-

Twelfthly, Obſerve, That where a Statute is penned thus, that the Conſtables or Churchwardens (by a Warrant from a Juſtice of Peace) ſhall be enabled to do a thing; in this caſe the Juſtice may juſtifie the making of ſuch Warrant.

Some Precedents of Warrants.

1. WArrants and Precedents relating to the exerciſe of the Office of a Juſtice of Peace out of the General Seſſions, are of ſeveral ſorts, *viz.* They concern either *Treaſons*, *Felonies*, *Miſpriſions*, *Præmunires*, *Forcible Entries*, *Forcible Detainers*, *Riots*, *Routs* and *Unlawful Aſſemblies*, *Security of the Peace* and *Good Behaviour*, or other Miſdemeanors or Offences of ſeveral ſorts.

2. As concerning *Treaſons* and *Felonies upon Information*, made of any Treaſon or Felony committed, any one Juſtice of the Peace may direct his Warrant to the Sheriff, or to the High-Conſtables or Petty-Conſtables, or to all or any of them to make ſearch for the Traytors or Felons, and alſo for ſtoln Goods.

The Form of a Warrant to Apprehend a Traytor.

J. G. *Eſq*; *One of His Majeſty's Juſtices of the Peace within the County of* N. *To the Sheriff of the ſaid County, and to all High-Conſtables, Petty-Conſtables, and*

and other His Majesty's Officers, Greeting &c. Whereas L. M. *and* R. S. *are vehemently suspected to have committed Treason, whereof I have received Information: These are therefore in His Majesty's Name streightly to charge and command you, and every of you, upon sight hereof, without delay, within your several Bailiwicks, Hundreds, and Constablewicks, to make diligent Search for the Bodies of the said* L. M. *and* R. S. *and them and either of them so found, to arrest and attach, and immediately upon such arrest, to bring before me at my House at* B. *in the said County: Whereof fail not at your peril. Sealed with my Seal, and Dated the 7th Day of* M. *in the Third Year of the Reign of our Sovereign Lord King* William, *&c.*

The like Warrant may be made for the Apprehension of Felons.

A Warrant for keeping the Peace.

Essex ss. A B. *and* C. D. *Esquires, To the Sheriff of the same County, and to all High-Constables and Petty-Constables, and other Ministers and Officers appointed to keep the Peace within the same County, Greeting. Whereas we are informed, that there is a great Meeting appointed to be had at* E. *within this County, upon the* 1st *Day of* February *next, under pretence of a Fair, then and there to be kept,* [or, *under pretence of a Cock-*

fighting to be there had; or, *under pretence of a Race to be there Run, and the like*] *when and where, by occaſion or under colour thereof, it is ſuſpected there may be ſome notorious Breach of the Peace, by a Fray, Riot, Inſurrection or otherwiſe; For the preventing whereof, and the keeping of the Peace, Theſe are to authorize and require you, and every of you, that calling to your Aſſiſtance and Aid ſuch a number of Perſons as you ſhall think fit; All which Perſons are by us required to aſſiſt you, and that you be then there provided during the ſame Meeting; and by all the lawful ways and means you can, ſee the publick Peace be kept and preſerved, and the Breakers and Diſturbers thereof puniſhed: And hereof, and to give us an account of your doings herein, within* 14 *Days after the ſame Day be paſt, you are not to fail at your peril. Given under our Hands and Seals at S. within the ſame County, the* 1ſt *Day of, &c.*

Note, That whatever the Juſtices of the Peace may do, or the Sheriff or Conſtable ought to do, in order to the keeping of the Peace; the Juſtices may by ſuch a Warrant as this is command them to do.

A Mittimus for Felony to the Gaol.

Middleſex ſſ. A. B. *and* C. D. *Eſquires, two of the Juſtices, &c. To the Keeper of the Gaol of* Newgate,

gate, *or his Deputy there being: We send you here with all the Bodies of* E. F. *and* G. H. *charged before us by* J. K. *of* L. *in the County of* M. *with Robbing him on* Monday *last, and the taking of Ten Pounds from his Person, which the said* E. F. *and* G. H. *upon their Examination confessed.*

Note, If the Felon upon Examination confess the Felony, the *Mittimus* must say so; for then he is not Bailable.

Or thus;

Who stand charged before us upon the Suspicion of stealing Six Sheep, being the Goods of N. O.

Or thus;

Who is charged before us with a Suspicion of a certain Felony by him committed, as it is said [or otherwise, as the case is.] *Commanding you to receive the same* E. F. *and* G. H. *into the said Gaol, and them there safely to keep, until they shall be from thence delivered by due order and course of Law; hereof fail you not at your peril. Given under our Hands and Seals at* P. *in the said County, the* 1st *Day, &c.*

Note. That in every *Mittimus* care must be had to set down the Offence, and the manner and time of Punishment.

A *Mittimus* of a dangerous Rogue to *Bridewel.*

Glouc' ss. A. B. *and* C. D. &c. *To the Master or Governour of*

the House of Correction, or his Deputy there. Whereas J. S. *a lurdy Vagrant Beggar, was this day brought before the Constable of* D. *and charged, as well with Begging and idle Wandring abroad, as also with other disorderly Behaviour; so as he appeareth to us, to be dangerous to the Inferiour sort of People, contrary to the Laws of the Nation in that case provided. These are therefore to require you, to receive the said* J. S. *into your Custody, and him safely to keep in your House of Correction until the next Quarter-Sessions, to be holden for this County; and that during all the time he shall continue with you, and be in his good health, you do hold him to work, and punish him by putting Fetters and Gives upon him, and by moderate Whipping of him; and that you give him no more for his Maintenance, than what he shall deserve or earn by his Labour; and that you have the said* J. S. *and this Precept at the said next Quarter-Sessions.*

A Pasport.

Sussex ss. A. B. *one of His Majesty's Justices of the Peace in the County aforesaid; To all Constables, Bayliffs, and other of His Majesty's Officers of the same County, and to every of them, Greeting. Forasmuch as the Bearer hereof* C. D. *being brought into great Poverty and Necessity, hath a desire to Travel unto the City of* E. *in the County of* F. *where*

where he ſaith he was Born, and hath ſome Friends yet living, by whoſe means he hopeth to be greatly relieved: In conſideration whereof know you, That I the ſaid A. B. *have Licenſed the ſame* C. D. *to Travel and Paſs the direct way from* G. *into the ſaid City of* E. *ſo that his Journey be not of longer or further Continuance than* 20 *Days next after the Date hereof, deſiring you, and every of you, to permit, and alſo to aid and relieve the ſaid* C. D. *in his Journey, ſo that he ſhew himſelf in no reſpect offenſive to His Majeſty's Laws. In Witneſs whereof I have, &c.*

Note, That in ſuch a Paſport the Party ought to be deſcribed, leſt he make any other Partaker of the uſe of his Paſport: Unleſs he be a Rogue, for then he always remains in the Conſtables hands.

A Warrant from the High-Conſtable to make a privy Search in the Night for Whores, *&c.*

To the Conſtable, &c.

Middleſex ſſ. BY virtue of a Warrant to me directed from his Majeſty's Juſtices of the Peace of this County, within this Hundred of *A.* **Theſe are therefore** (in His Majeſty's Name) ſtreightly to charge and command you forthwith upon ſight hereof to make diligent Search and Enquiry after all

Rogues, Vagabonds, and ſturdy Beggars [upon *Monday* next in the night of the ſame day, being the 26th of this Inſtant *February*,] And all perſons that ſhall utter or ſell any *Beer or Ale* without Licence of His Majeſty's Juſtices of the Peace of this County, And all ſuch as keep ſuſpected *Bawdy Houſes*; And to appear perſonally before His Majeſty's Juſtices of the Peace at *Hick's-Hall* upon *Thurſday* next by 8 of the Clock in the forenoon, then and there to make a due and true Return of this Warrant, and to bring ſuch perſons as you ſhall find upon your privy Search before His Majeſty's Juſtices at the time and place aforeſaid, to be dealt withal according to Law. Hereof you are not to fail, as you will anſwer the contrary at your perils. Dated, &c.

A. B. High-Conſtable.

A Warrant from a High-Conſtable for a Petty-Conſtable to appear and make Preſentments to the Grand Jury, of Offences committed in his Pariſh and Precinct.

To the Conſtable, &c.

Middleſex ſſ. BY virtue of a Warrant to me directed from the Gentlemen of the Grand Inqueſt, ſworn and charged

ed to enquire for our Sovereign Lord the King, and the Body of the County of *Middlesex*, within the Hundred of *O.* **These are therefore** (in His Majesty's Name) streightly to charge and command you upon sight hereof to make your personal appearance at the Court-House in *W.* upon *Wednesday* the 11*th.* day of this instant *June*, by eight of the Clock in the Morning of the same day, And to bring with you thither very fairly written, together with the right Names, Callings and Places of Abode of the parties, and when and where the Offences were done and committed, All Presentments of High and Petty Treasons, Murthers, Felonies, Manslaughters, Robberies, Thefts, Extortions in Officers taking unlawful Fees, or other Oppression, Deceits, Riots, Routs, unlawful Assemblies, Assaults, Batteries, Bloodshed, Rescuing of Prisoners, Conventicles forbidden by any Statute whatsoever, Defects and Abuses in Weights and Measures, Huys and Cries not prosecuted, Watches and Wards not kept, and against all Forestallers, Regrators, Ingrossers, Champerties Unlicensed Alehouse-keepers, Drunkenness, Swearing Blasphemies, Disordered Houses, Disorders in Ale-houses, Harbouring of Inmates, Incroachments upon Commons, Building of Cottages against the Statute, without laying of four Acres of Land thereunto, all Annoyances and Defaults

in not Repairing the High-ways and Bridges, of Purpreſtures of Incroachments in not cleanſing the Streets, or in not paveing the Streets, or not cleanſing the Ditches or Common-Sewers, and all Houſes uſed for Incontinency or Bawdry, unlawful Haunters of Ale-houſes or Taverns, All perſons that are Popiſhly Affected, And all perſons that prophane the Lord's-day, all Labourers or Jurors, and generally of all manner of Treſpaſſes and Offences whatſoever inquirable by you, and committed within your Pariſh and Precincts, to the end they may be proceeded againſt according to Law. And hereof you are not to fail as you will anſwer the contrary at your perils. Dated the 7th day of *June*, 1699.

A. B. *High-Conſtable.*

Articles to be preſented by the High and Petty-Conſtables to the Grand Jury, and to be inquired into by the ſaid Grand Jury.

I*mprimis*, You are to preſent all Petty Treaſons, Miſpriſions of Treaſon, all Prieſts and Jeſuites, and others that have received any Orders from the Church or *See* of *Rome*

2. All Murthers, Man-ſlaughters, Robberies, Burglaries, Breaking of Houſes in the day-time, Felonies, Petty Larcencies and the Acceſſories thereunto committed and done within your ſeveral Hundreds and Precincts.

3. You

3. You are to preſent all Popiſh and other Recuſants that do not come to their ſeveral Pariſh-Churches within your Diviſions.

4. You are to preſent all Unlicenſed Ale-houſe-keepers, and what diſorderly Ale-houſes you have within your Diviſions.

5. You are to preſent the Neglect of Hues and Cries, of and in whoſe Default.

6. Your are to preſent all High-ways and Bridges unrepaired within your Hundreds and Pariſhes, and who are to repair them.

7. You are to preſent all that erect Cottages, or that continue Cottages, not having four Acres of Land to be occupied by the Inhabitants of the ſaid Cottages within your Diviſions.

8. You are to preſent all prophane Swearers and Curſers, within your Hundreds and Liberties.

9. You are to preſent all common Baretors, common Diſturbers, Libellers, and others that break the King's Peace, all Outcries and Bloodſheds that happen within your Liberties and Precincts.

10. You are to prevent all Foreſtallers, Regrators and Ingroſſers, all Embracers of Juries that you know of within your Hundreds and Precincts.

A Warrant upon not paying the Scavingers Rates.

To the Conſtables, &c.

Midd'. *2 Juſtices.*

THeſe are (in His Majeſty's Name) to will and require you immediately upon ſight hereof to ſummon the Parties hereafter named, *A. B. C. D. E. F. G H. J. K. L. M.* &c. perſonally to appear before us on *Monday* next, being the 20th day of *June*, by three of the Clock in the Afternoon at *A.* in *B.* then and there to ſhew cauſe why they refuſe to pay their Rates to the *Scavingers* for cleaning of the Pariſh of *B.* within the ſaid County: And if they or any of them, ſhall refuſe to apear upon this our Summons, That then you bring ſuch Parties before us, at the time and place aforeſaid, to find Sureties for their good Behaviour and Perſonal Appearance at the next *General Quarter-Seſſions* of the Peace for the ſaid County of M. to anſwer the ſaid Crimes. Hereof fail not. **Given** under our Hands this, &c.

FINIS.